

## **Town and Country Planning Act 1990**

The Rossendale Borough Council Tree Preservation Order No.3/2024 located on land known as Jubilee Garden on the West Side of Market Street, Facit, Rossendale.

The Rossendale Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order

### **Citation**

1. This Order may be cited as the Rossendale Borough Council Tree Preservation Order No.3/2024 (Land known as Jubilee Garden on the West Side of Market Street, Facit, Rossendale).

### **Interpretation**

2. (1) In this Order “the authority” means the Rossendale Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

### **Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall
- (a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) Cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

Any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

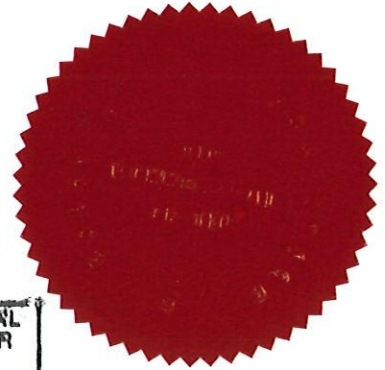
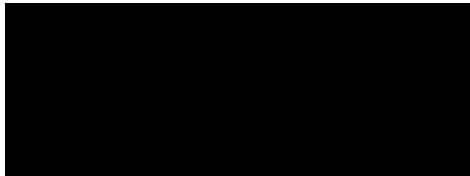
### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation

and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23<sup>rd</sup> day of May 2024

The Common Seal of ROSSENDALE )  
BOROUGH COUNCIL was affixed )  
to this Order in the presence of:- )



Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**  
**Trees specified individually**  
(edged in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	Area of mixed species trees including Alder, Silver Birch, Common Ash, Scots Pine, Field Maple and Rowan located on land known as Jubilee Garden, on west side of Market Street, Facit, Rossendale	Jubilee Garden, on the West Side of Market Street, Facit, Rossendale

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

**NONE**

**Groups of trees**  
(within a broken black line on the map)

**NONE**

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

**YES**



## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to England only, substantially revoke and replace the Town and Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in sections 198(7) and 200(1) of the Town and Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 (c. 69) on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c. 21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the Regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town and Country Planning (Trees) Regulations 1999 (amendment to the Town and Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c. 29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk)). The assessment may also be accessed at [www.communities.gsi.gov.uk](http://www.communities.gsi.gov.uk).







**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)  
(ENGLAND) REGULATIONS 2012**

**THE ROSSENDALE BOROUGH COUNCIL  
TREE PRESERVATION ORDER No.3/2024  
(LAND KNOWN AS JUBILEE GARDEN, ON WEST SIDE OF MARKET STREET,  
FACIT, ROSSENDALE)**

THIS IS A FORMAL NOTICE to let you know that the Council made the above Tree Preservation Order today. A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying any of the trees specified in the Order without the consent of the Council.

The Council has made the Order because the tree has been examined and found to be in general good health. It is prominently sited, fully visible to members of the public and it is considered that it makes a significant and valuable contribution to the amenity of the area in an otherwise quite harsh urban streetscape. Its loss would, it is considered, be harmful to the character and appearance of the area.

Pursuant to s201 of the Town and Country Planning 1990, the Order shall take effect provisionally today and shall continue in force until (a) the expiration of six months beginning with the date on which it was made, (b) the date on which it is confirmed, or (c) the date on which the authority decide not to confirm the Order, whichever occurs first.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees covered by the Order. If you would like to make any objections or other comments, please make sure we receive them in writing by 24<sup>th</sup> June 2024. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Clare Birtwistle, Head of Legal (Monitoring Officer) at the address below quoting reference SH/Legal. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Ian Lunn on 01706 258641. A copy of the Order may be inspected, free of charge, at the One Stop Shop, The Business Centre, Futures Park, Bacup, Lancashire between 9:00am and 4:30pm Monday to Friday. Please note that the One Stop Shop is currently open on an appointment only basis. Please telephone 01706 217777 to make an appointment.

Dated this 23<sup>rd</sup> May 2024



Clare Birtwsitle  
Head of Legal (Monitoring Officer)

Rosendale Borough Council  
The Business Centre  
Futures Park  
Bacup  
OL13 0BB



# The Town and Country Planning (Tree Preservation) (England) Regulations 2012

## Regulation 6

### Objections and representations

6. - (1) Subject to paragraph (2), objections and representations -
- (a) shall be made in writing and -
    - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
    - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
  - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
  - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

CONFIRMATION OF ORDER

This Order was confirmed by Rossendale Borough Council without modification on the 12<sup>th</sup> day of July 2024

~~This Order was confirmed by Rossendale Borough Council, subject to the modifications indicated by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20~~

Signed on behalf of Rossendale Borough Council

..  ..

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Rossendale Borough Council on the \_\_\_\_\_ day of \_\_\_\_\_ 20

Signed on behalf of Rossendale Borough Council

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Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by Rossendale Borough Council on the \_\_\_\_\_ day of 201 by a variation order under reference number [insert reference number to the variation order] a copy of which is attached

Signed on behalf of Rossendale Borough Council

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Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by Rossendale Borough Council on the \_\_\_\_\_ day of \_\_\_\_\_ 20

Signed on behalf of Rossendale Borough Council

.....

Authorised by the Council to sign in that behalf