

HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0009/21 LAND OF 47 SYLVIA CRESCENT, TOTTON

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.


In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed: 

Claire Upton-Brown
Executive Head of Planning, Regeneration and Economy

Date: 24 June 2021


24/6/21

Dave Norn

Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER TPO/0009/21

LAND OF 47 SYLVIA CRESCENT, TOTTON

The New Forest District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order TPO/0009/21
Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

Citation

1. This Order may be cited as the TPO/0009/21 - LAND OF 47 SYLVIA CRESCENT, TOTTON.

Interpretation

2. (1) In this Order "the authority" means the New Forest District 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, uprooting, 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 24th day of June 2021

Signed on behalf of New Forest District Council

.....
Authorised by the Authority to sign in that behalf

SCHEDULE

**SPECIFICATION OF TREES
TPO/0009/21**

Trees specified individually

(encircled in black on the Plan attached to this order)

Reference
on map

Description

Situation

T1

Oak tree

Situated in rear garden of 47 Sylvia Crescent,
Totton. As shown on plan.



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Tree Preservation Order Plan





Town and Country Planning Act 1990

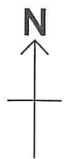
TPO Number: TPO/0009/21

Scale: 1:1250

Date Printed: 23/06/21

Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



New Forest
DISTRICT COUNCIL

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