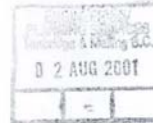


**Town and Country Planning Act 1990**

**The Tonbridge and Malling Borough Council  
Ightham No 2 Tree Preservation Order 2001**



The Tonbridge and Malling Borough Council, in exercise of the powers conferred on them by sections 198 and 201 of the Town and Country Planning Act 1990 hereby make the following Order -

**Citation**

1. This Order may be cited as The Tonbridge and Malling Borough Council Ightham No 2 Tree Preservation Order 2001.

**Interpretation**

2. In this Order "the authority" means the Tonbridge and Malling Borough 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 2 August 2001

**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 (3) of section 200 (orders affecting land where Forestry Commissioners interested)], 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 the Schedule 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;
- (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 Permitted 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 -

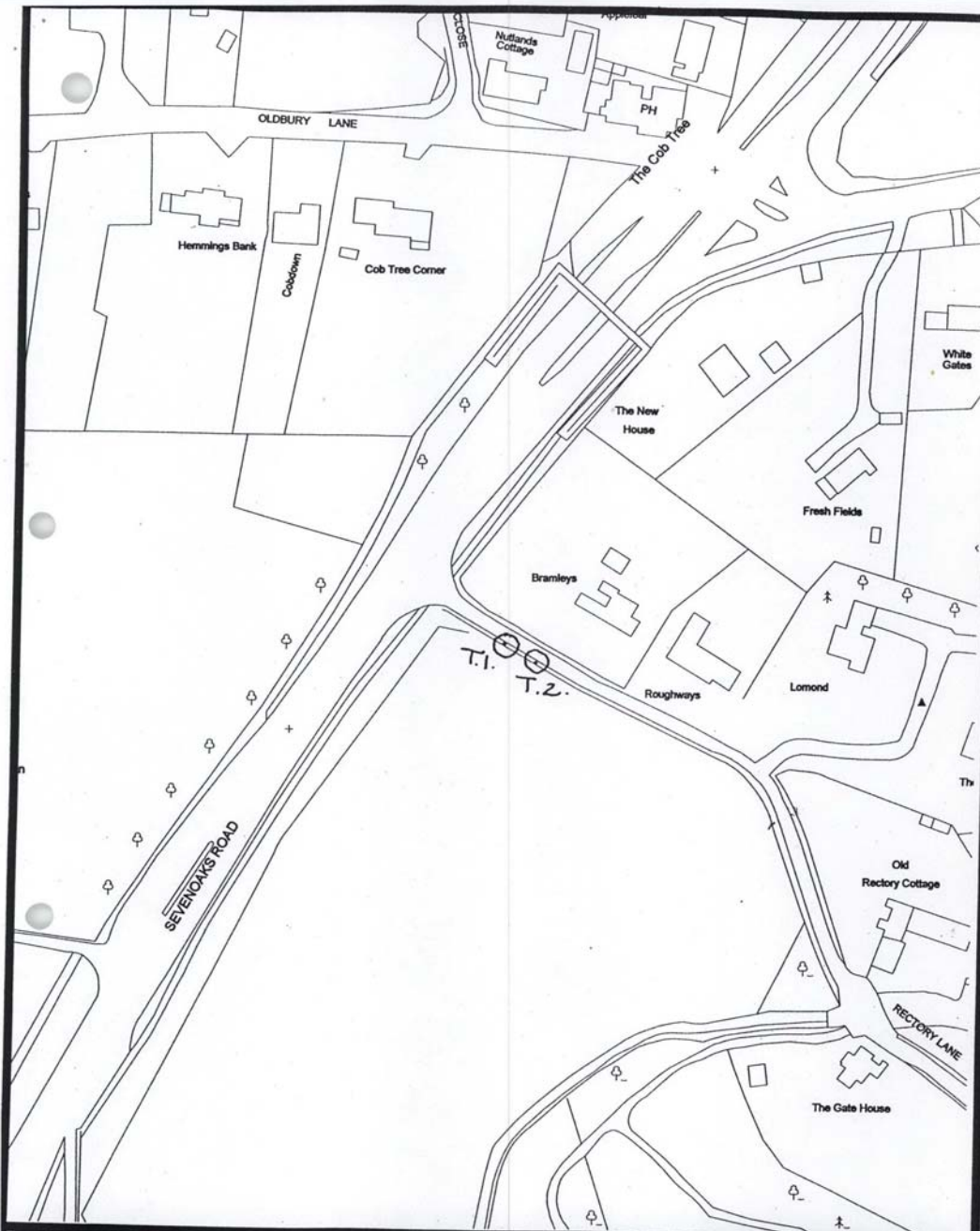
a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

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,



ADDRESS: End of Rectory Lane, adj Sevenoaks Rd, Ightham

TQ NUMBER:

DEPARTMENT: Planning

SCALE: 1:1250

PRODUCED BY: Bridgitte

DATE: 20th July 2001

*T.1. Corsican Pine*  
*T.2. "*

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a water or sewerage undertaker,  
the Civil Aviation Authority or a body acting on behalf of that Authority,  
the Post Office.

**The Schedule**

TREE SPECIFIED INDIVIDUALLY  
(encircled in black on the annexed map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Corsican Pine	Land at Rectory Lane
T2	Corsican Pine	Ightham Kent

GIVEN under the COMMON SEAL  
of the **TONBRIDGE AND MALLING**  
**BOROUGH COUNCIL**

the 1st day of August 2001

  
Chief Solicitor

