

VARIATION OF ORDER

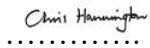
This Order was varied by The Wokingham Borough Council on the 6th day of October two thousand and twenty two by a variation of the order under reference number 899/1997, a copy of which is attached.

Relating to trees on land bounded by The Conifers, Honeysuckle Close & Edgewood Close, and at 1, 3, 11, 19, 23, 25, 27, 29, 31, 33, 35, 37

The Conifers; 7 Holmbury Avenue; 2, 3, 4 Edgewood Close and between 5 & 18 Edgewood Close; 7 & 10 Honeysuckle Close, Crowthorne, Berkshire

This order has been varied to remove T22 and T24. T22 and T24 have been crossed through on the Schedule and the map. T23 remains extant, being a replacement Birch tree.

Signed on behalf of The Wokingham Borough Council


.....

Authorised by the Council to sign on that behalf

THE WOKINGHAM DISTRICT COUNCIL in
exercise of the powers conferred
on them in that behalf hereby
confirm the foregoing Order No. 899/1997
relating to trees on land bounded by The Conifers, Honeysuckle Close
& Edgewood Close, and at 1, 3, 11, 19, 23, 25, 27, 29, 31, 33, 35, 37,
The Conifers; 7 Holmbury Avenue; 2, 3, 4, Edgewood Close and between
5 & 18 Edgewood Close; 7 & 10 Honeysuckle Close, Crowthorne, Berks.

with modification

IN WITNESS whereof the Common Seal
of the WOKINGHAM DISTRICT COUNCIL was
hereunto affixed in the presence of

C. G. L.

Solicitor

Dated: 20th February 1998



13487

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Larch (<i>Larix decidua</i>)	Rear garden of 7 Holmbury Avenue
T2	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 37 The Conifers
T3	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 35 The Conifers
T4	Scots Pine (<i>Pinus sylvestris</i>)	
T5	Birch (<i>Betula pendula</i>)	
T6	Scots Pine (<i>Pinus sylvestris</i>)	
T7	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 33 The Conifers
T8	Scots Pine (<i>Pinus sylvestris</i>)	Front garden of 31 The Conifers
T9	Scots Pine (<i>Pinus sylvestris</i>)	Front garden of 29 The Conifers
T10	Scots Pine (<i>Pinus sylvestris</i>)	
T11	Scots Pine (<i>Pinus sylvestris</i>)	
T12	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 3 The Conifers
T13	Scots Pine (<i>Pinus sylvestris</i>)	
T14	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 1 The Conifers
T15	Scots Pine (<i>Pinus sylvestris</i>)	
T16	Scots Pine (<i>Pinus sylvestris</i>)	
T17	Scots Pine (<i>Pinus sylvestris</i>)	
T18	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 11 The Conifers
T19	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 19 The Conifers
T20	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 2 Edgewood Close
T21	Scots Pine (<i>Pinus sylvestris</i>)	
~~T22~~	~~Scots Pine (<i>Pinus sylvestris</i>)~~	On land at 3 Edgewood Close
T23	Birch (<i>Betula pendula</i> (' <i>Purpurea</i> '))	
~~T24~~	~~Birch (<i>Betula pendula</i> ('<i>Purpurea</i>'))~~	
T25	Oak (<i>Quercus robur</i>)	On land at 4 Edgewood Close
T26	Scots Pine (<i>Pinus sylvestris</i>)	
T27	Oak (<i>Quercus robur</i>)	Rear garden of 7 Honeysuckle Close, Crowthorne, Berkshsire Grid Ref: SU 833 652

22 August 1997

Town and Country Planning Act 1990

THE WOKINGHAM DISTRICT COUNCIL
(PARISH OF WOKINGHAM WITHOUT)
TREE PRESERVATION ORDER NO. 899/1997

**(Emergency Order Made in accordance with
Sections 198 and 201 of the Act)**

**Relating to trees on land bounded by The Conifers, Honeysuckle Close &
Edgewood Close, and at 1, 3, 11, 19, 23, 25, 27, 29, 31, 33, 35, 37
The Conifers; 7 Holmbury Avenue; 2, 3, 4 Edgewood Close and between 5 & 18
Edgewood Close; 7 & 10 Honeysuckle Close, Crowthorne, Berkshire**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

WOKINGHAM DISTRICT COUNCIL

PARISH OF WOKINGHAM WITHOUT

TREE PRESERVATION ORDER NO. 899/1997

The Wokingham District Council (in this Order called 'the Authority') in pursuance of the powers conferred in that behalf by Sections 198 and 201 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' in relation to any land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let; 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 as 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 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 a 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 interest 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.
- 5 Where the Authority refuse consent under this Order or grant such consent subject to conditions, they may, when refusing or granting consent, certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

(a) that refusal or condition is in the interests of good forestry; or

- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, and that the trees have an outstanding or special amenity value; **or**
(c) in the case of trees which are comprised in a group of trees or in a woodland, that the trees or the woodland, as the case may be, has an outstanding or special amenity value,
but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967(c).

6. (1) 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 Part III of the Act; **or**
(b) the Authority with the approval of the Secretary of State 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 provisions of this Order and Section 203 and 204 of the Act, 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, drainage, 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, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which bylaws made by a river authority, or a drainage 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 bylaws and that any such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board, under those bylaws and the condition or direction shall have effect accordingly.

NOTE: If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, 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)).

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 affected by delivering the claim at the offices of the authority, addressed to the District Secretary 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 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 as amended by Schedule 15 Local Government Planning and Land Act 1980 shall apply to this Order and the Order shall take effect on 22 August 1997.
- (2) This Order shall apply to any tree specified in the First Schedule hereto which is to be planted as mentioned therein, as from the time when that tree is planted.
14. This order may be cited as the Wokingham District Council (Parish of Wokingham Without) Tree Preservation Order No. 899/1997.

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 a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000 or on indictment to a unlimited fine. The penalty for any other contravention of this Order is a fine not exceeding £2,500 on summary conviction.

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 a Section 198(6) of the Town and Country Planning Act 1990 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.

In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Larch (<i>Larix decidua</i>)	Rear garden of 7 Holmbury Avenue
T2	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 37 The Conifers
T3	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 35 The Conifers
T4	Scots Pine (<i>Pinus sylvestris</i>)	
T5	Birch (<i>Betula pendula</i>)	
T6	Scots Pine (<i>Pinus sylvestris</i>)	
T7	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 33 The Conifers
T8	Scots Pine (<i>Pinus sylvestris</i>)	Front garden of 31 The Conifers
T9	Scots Pine (<i>Pinus sylvestris</i>)	Front garden of 29 The Conifers
T10	Scots Pine (<i>Pinus sylvestris</i>)	
T11	Scots Pine (<i>Pinus sylvestris</i>)	
T12	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 3 The Conifers
T13	Scots Pine (<i>Pinus sylvestris</i>)	
T14	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 1 The Conifers
T15	Scots Pine (<i>Pinus sylvestris</i>)	
T16	Scots Pine (<i>Pinus sylvestris</i>)	
T17	Scots Pine (<i>Pinus sylvestris</i>)	
T18	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 11 The Conifers
T19	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 19 The Conifers
T20	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 2 Edgewood Close
T21	Scots Pine (<i>Pinus sylvestris</i>)	
~~T22~~	~~Scots Pine (<i>Pinus sylvestris</i>)~~	On land at 3 Edgewood Close
T23	Birch (<i>Betula pendula</i> (' <i>Purpurea</i> '))	
~~T24~~	~~Birch (<i>Betula pendula</i> ('<i>Purpurea</i>'))~~	
T25	Oak (<i>Quercus robur</i>)	On land at 4 Edgewood Close
T26	Scots Pine (<i>Pinus sylvestris</i>)	
T27	Scots Pine (<i>Pinus sylvestris</i>)	Rear garden of 7 Honeysuckle Close, Crowthorne, Berkshshire Grid Ref: SU 833 652

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	NONE	

GROUPS OF TREES

(Within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G1	3 x Oak (<i>Quercus robur</i>) 7 x Scots Pine (<i>Pinus sylvestris</i>) 4 x Birch (<i>Betula pendula</i>)	Rear garden of 10 Honeysuckle Close Crowthorne, Berkshire
G2	3 x Oak (<i>Quercus robur</i>) 4 x Birch (<i>Betula pendula</i>) 2 x Birch (<i>Betula pendula</i>)	Rear garden of 29 The Conifers, Crowthorne, Berkshire
G3	2 x Scots Pine (<i>Pinus sylvestris</i>) 2 x Birch (<i>Betula pendula</i>)	Rear garden of 27 The Conifers, Crowthorne, Berkshire
G4	4 x Birch (<i>Betula pendula</i>) 1 x Oak (<i>Quercus robur</i>) 2 x Scots Pine (<i>Pinus sylvestris</i>) 1 x Beech (<i>Fagus sylvatica</i>)	Rear garden of 25 The Conifers, Crowthorne, Berkshire
G5	3 x Scots Pine (<i>Pinus sylvestris</i>) 2 x Beech (<i>Fagus sylvatica</i>) 1 x Birch (<i>Betula pendula</i>)	Rear gardens of 23 The Conifers and 9 Edgewood Close, Crowthorne, Berks.
G6	3 x Oak (<i>Quercus robur</i>) 1 x Scots Pine (<i>Pinus sylvestris</i>) 1 x Holly (<i>Ilex aquifolium</i>)	On land between 5 and 18 Edgewood Close, Crowthorne, Berkshire. Grid Ref: SU 833 652

WOODLANDS

(Within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Birch (<i>Betula pendula</i>) Scots Pine (<i>Pinus sylvestris</i>) Oak (<i>Quercus robur</i>) Holly (<i>Ilex aquifolium</i>)	On land to the north east of 10 Honeysuckle Close, Crowthorne, Berks.
W2	Birch (<i>Betula pendula</i>) Scots Pine (<i>Pinus sylvestris</i>) Rowan (<i>Sorbus aucuparia</i>) Holly (<i>Ilex aquifolium</i>)	On land to the north east of 33 The Conifers, Crowthorne, Berkshire
W3	Birch (<i>Betula pendula</i>) Scots Pine (<i>Pinus sylvestris</i>) Oak (<i>Quercus robur</i>) Rowan (<i>Sorbus aucuparia</i>)	On land between 11 and 21 The Conifers, Crowthorne, Berkshire Grid Ref: SU 833 652

SECOND SCHEDULE

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where;
 - (a) 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 and fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree 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, uprooting, topping or lopping of a tree
 - (a) in pursuance of the power conferred on British Telecommunications by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 11 of the British Telecommunications Act 1981, or by or at the request of British Telecommunications where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulation (as applied to British Telecommunications under Section 88 and paragraph 1 of Schedule 4 to the British Telecommunications Act 1981) and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing in the operation of the undertaking
 - (b) by or at the request of:
 - (i) a statutory undertaking where the land on which the tree is 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, 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 of working of any such line;
 - (iii) a river authority drainage board or water utility established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such a river authority, drainage board or water utility, in relation to the maintenance improvement or construction of water courses or of drainage works; or
 - (iv) The Secretary of State for Defence, the Secretary of State for Trade and Industry, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority 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 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 insofar as the consent otherwise provides), enure for the benefit of the land and all persons for the time being interested therein.
77. (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.
- (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 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 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.
- (6) The decision of the Secretary of State on any application referred to him under this Section shall be final.
78. (1) Where an application is made to the Authority for consent under the Order and that consent is refused by that Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.
- (2) A notice under this Section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.
- (3) Where an appeal is brought under this Section from a decision, certificate or direction of the Authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or vary any direction, and may deal with the application as if it has been made by him in the first instance.
- (4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant 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.
- (6) The decision of the Secretary of State on any appeal under this section shall be final.
- (7) Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, or within such extended period as may at the time be agreed upon either in writing between the applicant and the Authority, the Authority either:-

(a) give notice to the applicant of their decision on the application; **or**

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 77 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

97. (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may by Order revoke or modify the consent to such extent as they consider expedient.
- (2) (Subject to the provisions of Section 99 and 201 of the Act) an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (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 those operations as has been previously carried out.

- (5) Where a notice has been serviced in accordance with the provisions of sub-section (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 sub-section (2) of this section.
99. (1) The following provisions shall have effect where the local planning authority have made an order (hereinafter called 'such Order') under Section 97 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 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.
- (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 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 sub-section (1) above.

(4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in sub-section (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 that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (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 95 of the Town and Country Planning Act 1990.

(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 Parts III, IV or V of the Town and Country Planning Act 1990.

THE COMMON SEAL OF THE
WOKINGHAM DISTRICT COUNCIL

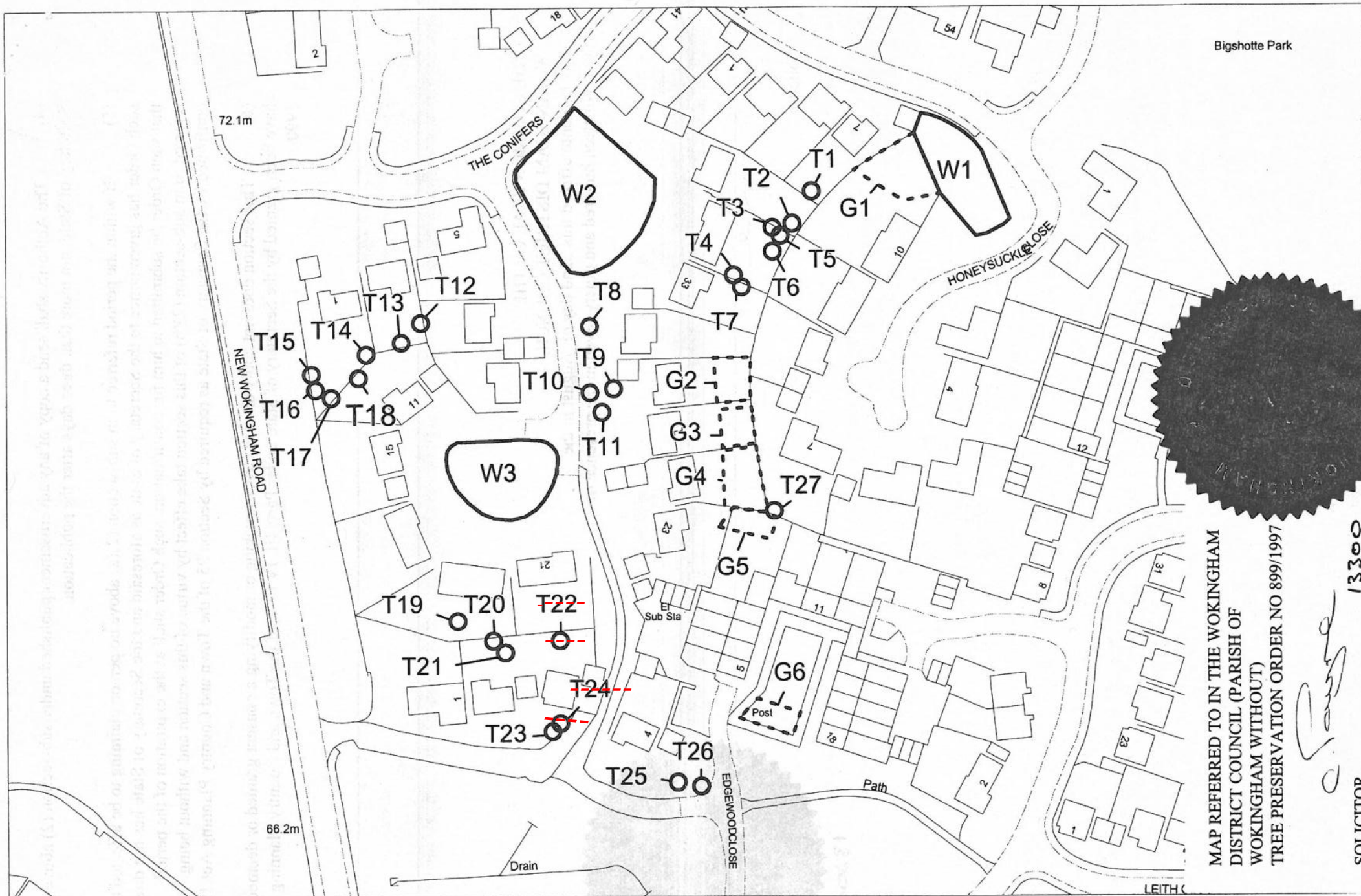
was hereunto affixed this 22nd day of August in the
year Nineteen hundred and ninety seven in the presence of:-



Solicitor



13300



Based upon the 1996 OS 1:1250 and 1:2500 mapping with the permission of the controller of HMSO. Crown Copyright. Licence LA086134

Landscape Section, Planning Department, Wokingham District Council.

scale: 1 : 1250



MAP REFERRED TO IN THE WOKINGHAM
DISTRICT COUNCIL (PARISH OF
WOKINGHAM WITHOUT)
TREE PRESERVATION ORDER NO 899/1997

[Signature]
SOLICITOR

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