

Emails of support sent to redfrogemail@gmail.com

**Subject:** [REDACTED] Sounds from the trees behind 17Frognal  
**Date:** Wed, 1 Aug 2018 20:09:27 +0000  
**From:** [REDACTED] <arturetpatricia@hotmail.com>  
**To:** [REDACTED] <freeholders-17f@googlegroups.com>

Dear all,

Sounds from the trees behind 17Frognal recorded today at 7pm.

Woodland Birds1

<https://www.youtube.com/watch?v=Z9t9UgNyabE>

Woodland Birds2

<https://www.youtube.com/watch?v=2ILvIN2DC2c>

Can this be used to support the Green Space Application?

Regards,

Artur

London, 22 July 2018

Dear RedFrog Neighbourhood Forum,  
Re. Local Green Space Application, woodlands behind Finchley Road

I am writing as a [REDACTED], to show my strong support for the application to designate the woodlands behind Finchley Road a Local Green Space.

This site is the last the remaining area of woodlands behind Finchley Road and it is an oasis of protected trees and a home to a huge number of birds, bats, squirrels and a fox hence I beg your assistance in helping preserve it. Bats are particularly importance as they are a protected species in danger of extinction.

This green space positively impacts all the local community with cleanliness of air away from the pollution of busy Finchley Road. We kindly and most gently ask for your sincere attention towards this Local Green Space application to preserve the woodland's well-balanced eco-system, full of wildlife and protected trees.

Yours sincerely,

[REDACTED]  
Frognal

To whom it may concern,

I would like to comment on the biodiversity of the garden at 17 Frognal.

I garden there and have observed the variety of birds. These include resident greater spotted woodpecker, long tailed tit, great tit, blue tit and coal tit as well as goldfinches, robin, wren, carrion crow, jay and magpie, swifts. I have also heard black cap in spring.

As I have seen these species frequently during monthly visits of a few hours I think they indicate a richly biodiverse environment that includes a large number of mature trees and understorey shrubs. Furthermore field mice, butterflies and a variety of other insects have been noted. This is due to the area of mature gardens of which the small wood at the end of the garden is a crucial part. I would expect to see an even greater diversity if I spent more time there.

This is an unusually biodiverse garden that I imagine contributes to a wider pool of urban biodiversity. I think that preserving and ideally enhancing the habitat of the small woodland at the garden's end is crucial to the ecology of this important area.

Yours sincerely

Paul Carvajal

Email [francisamongthebirds@gmail.com](mailto:francisamongthebirds@gmail.com)

Francisco Carvajal <[francisamongthebirds@gmail.com](mailto:francisamongthebirds@gmail.com)>

8 July  
2018

to Margot, Michael, me

Good morning Nancy,

I would like to confirm that the email about the wood behind 17 Frognal is from me.

Please let me know if you would like anything further.

Regards

Paul

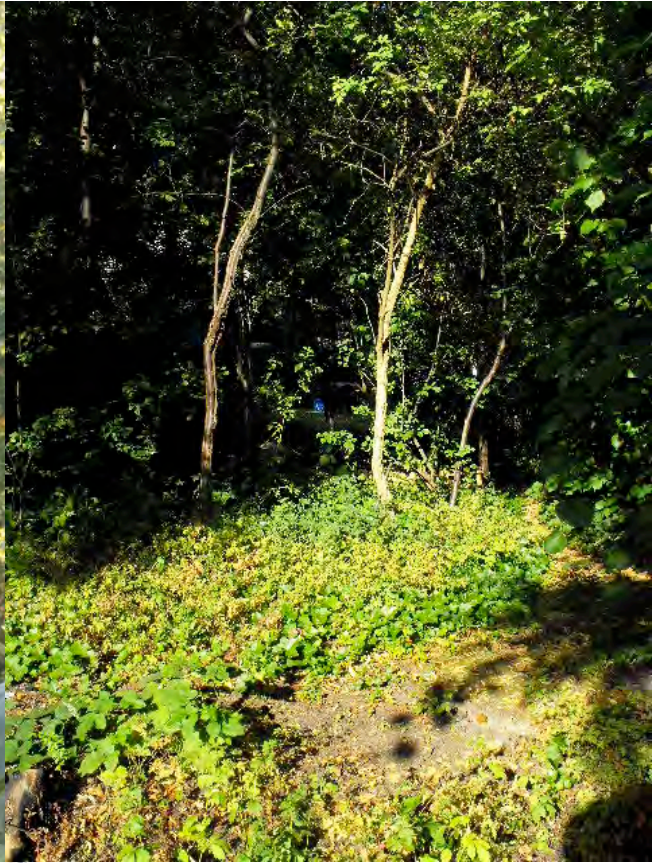
To whom it may concern,

I would like to comment on the biodiversity of the garden at 17 Frognal. I garden there and have observed the variety of birds. These include resident greater spotted woodpecker, long tailed tit, great tit, blue tit and coal tit as well as goldfinches, robin, wren, carrion crow, jay and magpie, swifts. I have also heard black cap in spring. As I have seen these species frequently during monthly visits of a few hours I think they indicate a richly biodiverse environment that includes a large number of mature trees and understorey shrubs. Furthermore field mice, butterflies and a variety of other insects have been noted. This is due to the area of mature gardens of which the small wood at the end of the garden is a crucial part. I would expect to see an even greater diversity if I spent more time there.

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Yours sincerely

Paul Carvajal







### **Bat Conservation and Survey report**

The Bat Conservation Trust has been counting bats in the UK for over 11 years, with the help of thousands of volunteers. Bat monitoring takes place in various locations across the UK, with volunteers counting bats as they emerge from their roosts and fly around. The purpose of bat counting is to find out what is happening to the bat populations in the UK and put in place appropriate actions to conserve them.

This year the Bat Conservation Trust organised a Sunrise/Sunset Bat survey across the UK over the weekend of 19<sup>th</sup> and 20<sup>th</sup> July. Participation in the survey was open to everyone and widely advertised to raise awareness of the importance of bats conservation and to encourage people to take part (for example it was advertised in Time Out). The survey needed to take place at specific times depending on the city and

either in a building, a house, public land, a garden or a tree.

As a member of the Bat Conservation Trust I decided to volunteer and take part in this survey. Having previously heard bats around our property at 17 Frognal, I decided to carry out the survey in our communal garden at the back of our building.

The survey took place on 19<sup>th</sup> July from 21.05 to 22.30 and two other volunteers also joined me. As advised by the Bat Conservation Trust, we equipped ourselves with pens, notebooks, torches, clock, camera and the survey form with details and images of different type of bats.

At 21.20 we saw the first bat flying out from a tree in the garden of flat H 17 Frognal and fly towards the land at the back of the communal garden, flying irregularly and making lots of turns. From the dimensions, the narrow wings, the colour, the irregular flying and various turns, this bat seemed to belong to the “Pipistrelle” species. Subsequent to this, we counted another 3 bats flying in the same direction from tree to tree in the garden of 17 Frognal, down to the woodland area and back again in wide irregular turns.

A copy of the survey has been sent to the Bat Conservation Trust and I also have video footage of the bats taken during the survey.

Around three quarters of British bat species are known to roost in trees. The remaining species could also use trees but because of a lack of a suitable environment they choose buildings or other structures. Trees provide bats with adequate shelter and attract a variety of different insects for them to feed on. Since bats are not able to dig holes or make nests, they will have their roosts in gaps, cracks, splits of the trees, root cavities or ivy.

The trees in the communal garden of 17 Frognal and in the woodland area at the back of it, along with the ivy and the other wildlife that the trees attract create a perfect environment for bats to roost in. The temporary TPO issued for the woodland area at 17 Frognal will help not only to preserve the trees but to conserve bats that seem to have their habitat in this area. The confirmation of TPO on a permanent basis would ensure the preservation of bats and other wildlife in the area.

Previous to the issuance of the TPO, some trees had been cut down in the woodland area at 17 Frognal and an attempt to cut some more was made. In addition to the TPO, before carrying out any work to these trees the woodland owner and tree surgeons must take into account the presence of bats in this area and respect all the legislation that applies to bat preservation in the UK.

All UK bats and their roosts are protected by law. Before any work can be carried out on any of the trees at 17 Frognal, the following legislation would have to be taken into account:

- **The Wildlife and Countryside Act 1981**

The Act applies in England, Scotland and Wales, and provides protection for all bats and their roosts. It requires consultation with the appropriate Statutory Nature Conservation Organisation (SNCO) – English Nature in England, before carrying out activities which might harm or disturb bats or their roost – regardless of whether the bat is in the roost at the time.

- **Countryside and Right of Way Act 2000**

The CROW Act applies to England and Wales and has implications for all those involved in the management of trees as this legislation protects bats and roosts from reckless (as well as intentional) destruction/disturbance. Inspection of trees is necessary before carrying out any work to ensure they are not/have not been used by bats.

- **EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 1992**

This legislation sets down requirements for wildlife conservation in EU countries. All bats are found in Annex IV, which includes animal and plant species of Community interest whose conservation requires the designation of Special Areas of Conservation. The Directive is implemented in the UK through the Conservation Regulations 1994. Under the Directive, it is an offence to damage or destroy a breeding site or resting place of any bat, or to deliberately capture, kill or disturb a bat. In England, where bats are likely to be affected by work to trees, an application for a Licence should be made to the Department of Environment, Food and Rural Affairs (DEFRA).

Frognal survey, 25/6/18			
Time	Griffin	Anabat	Peersonic
			(did not yield meaningful results)
21:15	Appx start of survey		
21:50	Ppi		
21:51	Ppi	Ppi	
21:52	Ppi	Ppi	
21:53	Ppi		
21:54	Ppi		
21:57		Ppi	
21:58		Ppi	
22:00	Ppi		
22:01	Ppi	Ppi	
22:02		Ppi	
22:03		Ppi(?)	
22:05	Ppi	Ppi	
22:07	nothing		
22:08		Ppi	
22:10		Ppi	
22:11		Ppi	
22:13		box noise	
22:13	Appx end of survey		

From: [REDACTED]@ecologynetwork.co.uk

Date: Wed, 4 Jul 2018, 18:36

Subject: Bat advice

To: [REDACTED]

Dear [REDACTED]

For interest and information, please find attached some data related to the advice I provided you on 25th June 2018.

I undertook a brief survey of the land in the vicinity of the garden to the rear of No 17 Frognal around dusk. I used a hand-held 'manual' Griffin broadband detector, standing close to the rear boundary of the garden. I also positioned an Anabat SD1 static broadband detector in the branched of the elder facing towards the sycamore in the land adjacent to the western boundary of your garden. A pipistrelle (*Pipistrellus pipistrellus*, marked as Ppi on the spreadsheet) was observed flying and feeding in the vicinity. I attach a screenshot from the Anabat (S6252201.jpg) and the Griffin (10X00021.jpg), the latter indicating a bat feeding.

I trust this is of interest.

I would be grateful if you provide me with your full address and postcode.

Kind regards

Greg [REDACTED]

< 180625 Frognal survey summary.xls >

< S6252201.jpg >

< 10X00021.jpg >

London, 22 July 2018

Dear RedFrog Neighbourhood Forum,

Re. Local Green Space Application, woodlands behind Finchley Road

I am writing as a [REDACTED] resident, [REDACTED] to show my strong support for the application to designate the woodlands behind Finchley Road a Local Green Space.

This site is the last the remaining area of woodlands behind Finchley Road and it is an oasis of protected trees and a home to a huge number of birds, bats, squirrels and a fox hence I beg your assistance in helping preserve it. Bats are particularly importance as they are a protected species in danger of extinction.

This green space positively impacts all the local community with cleanliness of air away from the pollution of busy Finchley Road.

We kindly and most gently ask for your sincere attention towards this Local Green Space application to preserve the woodland's well-balanced eco-system, full of wildlife and protected trees.

Yours sincerely,

[REDACTED]  
Frognal

Date: 21 July 2008  
Our Reference: LEGAL/CRJ/1157.33  
Enquiries to: [REDACTED]

First Class Recorded Delivery

**Seventeen Frognal Limited**  
**17 Frognal, Hampstead**  
**London NW3 6AR**



**Legal Services**  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

DX 2106 (Euston)  
Direct 020 7974 [REDACTED]  
Fax 020 7974 [REDACTED]  
e-mail: [REDACTED]

[www.camden.gov.uk](http://www.camden.gov.uk)

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR LAND**

Dear Sir/Madam

Re: **TOWN AND COUNTRY PLANNING ACT 1990 [AS AMENDED]**  
**TOWN AND COUNTRY (TREES) REGULATIONS 1999:**  
**THE LONDON BOROUGH OF CAMDEN:**  
**TREE PRESERVATION ORDER NUMBER: C784 2008**  
**17 Frognal London NW3 6AR**

On 10 July 2008 the Council made the above Tree Preservation Order ("TPO").

A copy of the Order was enclosed. It was sent to the owner/occupier of the affected land and neighbouring properties. In simple terms, the TPO prohibits anyone from cutting down, topping or lopping any of the trees described in the TPO, without this Council's written permission. Some explanatory guidance on Tree Preservation Orders was given in the enclosed Government leaflet "Protected Trees: A Guide to Tree Preservation Orders".

*However, due to an administrative error, pages 1 and 7 were incorrectly addressed as 17 Frognal Way. These have now been corrected to 17 Frognal London NW3 6AR and I now enclose an amended Tree Preservation Order showing the correct address. We apologise for any inconvenience caused.*

If you would like to make any Objections or Representations or comments, please make sure we received them in writing by **10 August 2008**. Any response you make must comply with Regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is contained within the TPO.

Please send any response to:

The Tree Preservation Officer (Ref C784)  
London Borough of Camden  
Culture and Environment Department (Planning)  
6<sup>th</sup> Floor Town Hall, London WC1H 8ND [020-7974-5616]

**All valid Objections and Representations are carefully considered before a decision is made on whether or not to confirm the Order. If you would like any further information or have any questions about this letter, please contact the Tree Preservation Officer.**

Yours faithfully

[REDACTED]  
**Planning & Licensing Team**  
**For the Head of Legal Services**



**NOTICE - THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**TOWN AND COUNTRY PLANNING ACT 1990.**  
**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**  
**TREE PRESERVATION ORDER: C784 2008**  
**LAND AT OR ADJACENT TO:**  
**1 FROGNAL LONDON NW3 6AR**

The Council, The London Borough of Camden, in exercise of the powers conferred on it by Sections 198, 201, 203 of the Town and Country Planning Act 1990 hereby make the following Order: -

**Citation.**

1. This Order may be cited as TPO C784 2008

**Interpretation.**

2. In this Order "the Authority" means "The London Borough of Camden" 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 directs that Section 201 [provisional tree preservation orders] shall apply to this Order and, accordingly, this Order shall take effect provisionally on **10 July 2008**

**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 (1) 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 Schedule 1 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.

# Subsection (6) of Section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 and section 15 of the Forestry Act 1967.

**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;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15 (1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes;
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (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 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 the 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 –

on 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,

a water or sewerage undertaker,

the Civil Aviation Authority or a body acting on behalf of that Authority,

the Post Office.

#### **Applications for Consent under the Order.**

6. An application for consent to the cutting down, topping, lopping, or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the Authority and shall –

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

#### **Application of Provisions of the Town and Country Planning Act 1990.**

7. – (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions, and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).  
(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

#### **Directions as to Replanting.**

8. – (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the Authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.  
(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(5) A direction under paragraph (1) may include requirements as to –

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) The erection of fencing necessary for the protection of the newly planted trees.

**Compensation.**

9. (1) If, on a claim under this Article, a person establishes that loss or damage has been caused or incurred in consequence of –

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the Authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this Article –

- (a) if more than 12 months have elapsed since the date of the Authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
  - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the Authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, it shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person –

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with Article 6c and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of Section 11 (terms of compensation on refusal of licence)

of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the Authority.

(6) In this Article –

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by Section 34 of the Forestry Act 1967.




**Application to Trees to be Planted Pursuant to a Condition.**

10. In relation to the tree(s) identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being 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 [that tree is planed] [those trees are planted]

**Orders made by Virtue of Section 300.**

11. This Order takes effect in accordance with subsection (3) of Section 300 (tree preservation orders in anticipation of disposal of Crown Land).

Signed on behalf of  
MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF CAMDEN  
THIS 10 July 2008



.....  
[Authorised by the Council to sign on that behalf]

The London Borough of Camden  
in exercise of the powers conferred  
upon them in that behalf by Section  
198 of the Town and Country Planning  
Act 1990, hereby confirm/ do not confirm, with/without  
any Modification, the foregoing Order.

Signed on behalf of the  
MAYOR AND BURGESS OF THE  
LONDON BOROUGH OF CAMDEN  
This            Day of            2008

.....  
• [Authorised by the Council to sign on that behalf]

Dated 10 July 2008

TOWN AND COUNTRY  
PLANNING ACT 1990.

TOWN AND COUNTRY  
PLANNING (TREES)  
REGULATIONS

TPO C784 2008

TREE PRESERVATION ORDER  
RELATING TO LAND AT  
OR ADJACENT TO

17 FROGNAL  
LONDON NW3 6AR

ANDREW MAUGHAN  
HEAD OF LEGAL SERVICES  
LONDON BOROUGH OF CAMDEN  
TOWN HALL,  
JUDD STREET  
LONDON WC1H 9LP

[CLS/CLT/CRJ/C784 2008]

**SCHEDULE 1  
SPECIFICATION OF TREES.**

**Trees Specified Individually.**  
[encircled in black on the map].

<u>Reference Number</u> <u>On Map</u>	<u>Description</u>	<u>Situation</u>
T1	Lime Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T2	Lime Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T3	Lime Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T4	Lime Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T5	Sycamore Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T6	Sycamore Tree	Located in to the rear of 17 Frognal, London NW3 6AR
T7	Sycamore Tree	Located in to the rear of 17 Frognal, London NW3 6AR

**Specified by Reference to an Area.**

[within a dotted black line on the map].

<u>Reference Number on</u> <u>The Map</u>	<u>Description</u>	<u>Situation</u>
	None	

**Groups of Trees**

[within broken line on the map]

<u>Reference number</u> <u>On the Map</u>	<u>Description</u>	<u>Situation.</u>

None

**Woodlands**

[within continuous black line on the map]

<u>Reference number</u> <u>On the Map</u>	<u>Description</u>	<u>Situation.</u>

None



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Licence number: 100019726. Year: 2008.

Scale 1/1250 Date 7/7/2008

Centre = 526189 E 185074 N

7 froggnal London NW3 6AR

**SCHEDULE 2.  
PART 1**

[Provisions of the Town and Country Planning Act 1990 applied with adaptations and modifications].

Provision of the Town and  
County Planning Act 1990

Adaptation or Modification.

Section 69 (registers)

- (a) In subsection (1)
  - (i) Omit "in such manner as may be prescribed by a development order"; "such" in the second place where it appears, and "as may be so prescribed"; and
  - (ii) substitute "matters relevant to tree preservation orders made by the Authority" for "applications for planning permission".
- (a) In subsection (2) (i) after "contain" insert ", as regards each such order", and
  - (ii) for paragraphs (a) and (b) substitute –  
"a details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it." (c) Omit subsections (3) and (4) (as required by section 198(4))."

Section 70 (determination  
Of applications: general  
Considerations).

- (a) In subsection (1) (i) substitute – "Subject to subsections (1A) and (1B) where "for where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permissions" in both of the other places where those words appear; (ii) after "think fit", insert – "including conditions limiting the duration of the consent or requiring the replacement of trees"; and (iii) omit "subject to Sections 91 and 92,". (b) After subsection (1) insert – "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)". (c) Omit subsections (2) and (3).



## Adaptation or Modification

(a) In subsection (1) substitute – (I) “Any” for the words from “Without” to “any”; (ii) “consent under a tree preservation order” for “planning permission to develop land”; (iii) “the consent” for “the permission”; and (iv) “the land to which the order relates” for “the land”. (b) Omit subsections (2) and (3).

### Section 78 (right to appeal Against planning decisions And failure to take such Decisions,

(a) In subsection (1) substitute – (I) “the authority” for “a local planning authority”; (ii) “consent under a tree preservation order” for “planning permission” in the first place where these words appear; (iii) “consent under such an order” for “planning permission” in the second place where these words appear; (iv) for paragraph (c) substitute – “(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such applications as it referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”; (b) Omit subsection (2). (c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order,” substitute – “in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served – (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the Authority’s decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as it mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal of a grant.” (d) For subsection (4), substitute – “(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).” (e) For subsection (5), substitute – “(5) For the purposes of the application of section 79 (1), in relation to an appeal made under subsection (1) (d), it shall be assumed that the authority decided to refuse the application in question.”

### Section 79 (determination Of appeals (a)

(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”; (b) Omit subsection (3); (c) In subsection (4), substitute – (I) “substitute 70(1) and (1B) for “sections 70, 72(1) and (5), 73 and 73A and Part 1 of Schedule 5.” (ii) “consent under a tree preservation order “for “planning permission.”; and (iii) “the authority” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development by virtue of section 65 or 71.”; (d) Omit subsections (6) and (6A); (e) In subsection (7), omit the words after “section 78”.

## SCHEDULE 2 – PART II.

### PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990

#### AS ADAPTED AND MODIFIED BY PART 1.

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part 1 of this Schedule, **apply** to consents, and applications for consent under this Order.

#### Section 69

- 1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the Authority.
- 2) The register shall contain, as regards each such order –
  - (a) details of every application under the Order and of the Authority's decision (if any) in relation to each such application, and
  - (b) a statement as to the subject-matter of every appeal under the Order and of the date and nature of the Secretary of State's determination of it.
- .....
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

#### Section 70.

- (1) Subject to subsections (1A) and 1(B), where an application is made to the Authority for consent under a tree preservation order –
  - (a) they may grant consent under the Order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees; or
  - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

#### Section 75.

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the Order relates and of all persons for the time being interested in it.

the Authority –

- a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an Order or grant it subject to conditions;
- c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or
- d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority,

the applicant may by notice appeal to the Secretary of State.

.....

- 3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served –
  - (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
  - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (2) The applicant shall serve on the authority a copy of the notice mentioned in subsection (3).
- 4) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

On an appeal under section 78 the Secretary of State may –

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the Authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it has been made to him in the first instance.

- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the Authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

- 4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the Authority.
- 5) The decision of the Secretary of State on such appeal shall be final.
- (5) Schedule 6 applies to appeals under Section 78.

**NOTICE TO ACCOMPANY TPO**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

**NOTICE UNDER REGULATION 3.**

**THE LONDON BOROUGH OF CAMDEN TREE PRESERVATION ORDER**

**NUMBER C784 2008**

**LAND AT OR ADJACENT TO:  
17 FROGNAL LONDON NW3 6AR**

**TAKE NOTICE** that the London Borough of Camden in pursuance of its powers as Local Planning Authority under Sections 198, 201, [and 300] of the above-named Act, has this day made a Tree Preservation Order in respect of

**LAND AT OR ADJACENT TO:**

**17 FROGNAL LONDON NW3 6AR shown on the attached map**

A copy of the Order, together the map included therein, is enclosed.

The grounds for making the said Order are as follows:

**In the interests of amenity**

A certified copy of the Order and map included therein may be inspected without charge at the offices of the London Borough of Camden, Planning Reception, Environment (Planning) Department, Fifth Floor, Town Hall, Argyle Street, London WC1H 8EQ between the hours of 10.00am and 4.00pm on Mondays to Fridays.

Should you wish to raise any objections or make representations with respect to the tree[s], groups of trees or woodlands which are specified in the Tree Preservation Order, they should be made in writing to the Tree Preservation Officer, Environment Department [Ref: KF/C784 2008], London Borough of Camden, Sixth Floor, Town Hall, Argyle Street, London WC1H 8EQ, stating the grounds of objection and specifying the particular tree(s) or woodlands in respect of which it is made. Any objection or representation duly made must be received by the Culture and Environment Department (Planning) of the London Borough of Camden by **10 August 2008**, and made in accordance with Regulation 4.



If no objections or representations are duly made, or if any so made are withdrawn, then not less than 42 days from the date of the service of this Notice, the Order may be confirmed (without any modification) by the above authority as an unopposed Order. If objections are received in the form referred to above and not withdrawn then the Authority, having considered all such representations, may confirm the Order either with modifications or in the original form.

The Order contains a direction under Section 201 of the Town and Country Planning Act 1990 which has the effect of bringing the Order into effect forthwith for a period of six months provisionally. Within that period the Order must be confirmed or otherwise it ceases to have effect.

Dated: 10 July 2008

[Signed].....

[Duly Authorised Officer]

**REGULATION NO. 4.**

**Objections and representations.**

4(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 3(2) (c);
  - 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 the objections or representations are made; and
- c) in the case of an objections, shall state the reasons for the objection.

4(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.

**LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999.  
TREE PRESERVATION ORDER NO. C784 2008**

**LAND AT OR ADJACENT TO:  
17 FROGNAL LONDON NW3 6AR**

**SITE NOTICE**

**TAKE NOTE** that on the **10 July 2008**, the London Borough of Camden issued Tree Preservation Order under Section 198, 201 [and 300] of the Town and Country Planning Act 1990, in respect of the trees identified on the site plan.

The Order contains a direction under Section 201 of the Act, the effect of which is that the Order takes immediate effect and continues in force for six months or until the date on which the Order is confirmed, whichever comes last.

A certified copy of the Order and the map included therein may be inspected without charge at Reception, Environment (Planning) Department, 5<sup>th</sup> Floor, Argyle street, London WC1H 8EQ between the hours of 10.00am and 4.00pm on Mondays to Fridays.

Any person wishing to make an objection or representation on the making of this Order may do so under Regulation 4 of the Town and Country Planning (Trees) Regulations 1999. Any objection or representation must be in writing and must state the grounds for making the objection or representation and specify the particular tree in respect of which it is made. All objections and representations must be received by the **10 August 2008**.

Any enquiries in connection with this Notice should be made to the Tree Preservation Officer, Culture and Environment Department (Planning)[Ref: KF/C784 2008], London Borough of Camden, Fifth Floor, Town Hall, Argyle Street, London WC1 8EQ (Telephone 020 7974-5616).

**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 twice the sum which appears to the Court to be the value of the tree, whichever is the greatest, or on indictment to a fine; the penalty for any other contravention of this Order is a fine not exceeding £2,500 on summary conviction.