

Development Management & Building  
Control Service  
Barnet House  
1255 High Road  
London N20 0EJ

contact: Simon Aquilina  
tel: 020 8359 3000  
email: [planning.trees@barnet.gov.uk](mailto:planning.trees@barnet.gov.uk)  
date: 1 February 2017  
reference: **17/TPO/003**

Dear Sir or Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE LONDON BOROUGH OF BARNET**

**Hasmonean High School, 2-4 Page Street, London NW7 2EU and Adjacent Fields  
Champions Way  
Tree Preservation Order 2017**

The Council has made a Tree Preservation Order in respect of trees on the above land. A copy of the Order which is effective from 01.02.2017 is enclosed for your information, together with a Notice of the Making of the Order.

You can access a DCLG publication "Protected Trees – A Guide to Tree Preservation Procedures" written for tree owners, their neighbours and local community groups which answers some of the most common questions about tree preservation procedures in England by visiting the following website:

<http://www.communities.gov.uk/planningandbuilding/planningenvironment/treepreservationorders/>

If you do not have access to the internet, you can call me on the above number and a hard copy will be posted to you.

If you would like to make any representation, please make sure we receive them in writing within 6 weeks of the date of this letter.

Please note that Council permission is now required for any works on the said trees.

Yours faithfully,

Simon Aquilina  
Technical Support Officer (Legal)

# Town and Country Planning Act 1990

## London Borough of Barnet

### Hasmonean High School, 2-4 Page Street, London NW7 2EU and Adjacent Fields Champions Way Tree Preservation Order 2017

The London Borough of Barnet 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 London Borough of Barnet Hasmonean High School, 2-4 Page Street, London NW7 2EU and Adjacent Fields Champions Way

2. Tree Preservation Order 2017

#### Interpretation

3.(1) In this Order "the authority" means the London Borough of Barnet.

(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

4.(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

5. 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: 01.02.2017

Signed on behalf of the London Borough of Barnet



**Fabien Gaudin**

**Planning Performance and Business Development Manager**

Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20 0EJ



### **CONFIRMATION OF ORDER**

This Order was confirmed by London Borough of Barnet without modification on the .....

OR

This Order was confirmed by the London Borough of Barnet, subject to the modifications indicated by [*state how indicated*] on the .....

Signed on behalf of the London Borough of Barnet

Ann Currell, Principal Planner - Trees and Environment  
For Planning Performance and Business Development Manager  
Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20 0EJ  
Authorised by the Council to sign in that behalf

### **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the London Borough of Barnet on the .....

Signed on behalf of the London Borough of Barnet

Ann Currell, Principal Planner - Trees and Environment  
For Planning Performance and Business Development Manager  
Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20 0EJ  
Authorised by the Council to sign in that behalf

### **VARIATION OF ORDER**

This Order was varied by the London Borough of Barnet on the ..... by a variation order under reference number .....a copy of which is attached

Signed on behalf of the London Borough of Barnet

Ann Currell, Principal Planner - Trees and Environment  
For Planning Performance and Business Development Manager  
Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20 0EJ  
Authorised by the Council to sign in that behalf

## **REVOCATION OF ORDER**

This Order was revoked by the London Borough of Barnet on the .....

Signed on behalf of the London Borough of Barnet

Ann Currell, Principal Planner - Trees and Environment  
For Planning Performance and Business Development Manager  
Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20  
0EJ  
Authorised by the Council to sign in that behalf

## FIRST SCHEDULE

### TREE PRESERVATION ORDER

Hasmonean High School, 2-4 Page Street, London NW7 2EU  
and Adjacent Fields Champions Way  
Tree Preservation Order 2017

Trees specified individually (encircled in black on map 20170130)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
	None	

Trees specified by reference to an area (within a dotted black line on map 20170130)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
A1	All the trees of whatever species within the area marked A1 on the map.	Hasmonean High School 2-4 Page Street and Adjacent Fields Champions Way.

Trees specified by reference to a group (within a broken black line on map 20170130)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
	None	

Trees specified by reference to woodland (within a continuous black line on map 20170130)

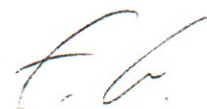
<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
	None	



**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 198  
TREE PRESERVATION ORDER No. 17/TPO/003**

**LONDON BOROUGH OF BARNET**

This is the map referred to in the Tree Preservation Order made by the Council of the London Borough of Barnet on 30<sup>th</sup> January 2017



Planning Performance and Business Development Manager



*This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office. ©Crown copyright and database right 2016. All rights reserved. London Borough of Barnet Licence No. 100017674*

Scheme: Hasmonian High School, 2-4 Page Street, London, NW7 2EU and Adjacent Fields Champions Way

Drawing number: 20170130

Title: Tree Preservation Order

Date: 01/02/2017

Scale: 1:3140

Planning Performance and Business Development Manager, Barnet House, 1255 High Road, London, N20 0EJ



# IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

## TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

### NOTICE OF THE MAKING OF A TREE PRESERVATION ORDER

#### LONDON BOROUGH OF BARNET

#### **Hasmonean High School, 2-4 Page Street, London NW7 2EU and Adjacent Fields** **Champions Way** **Tree Preservation Order 2017**

THIS IS A FORMAL NOTICE to let you know that on 01.02.2017 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping, lopping, uprooting, wilfully damaging, wilfully destroying or causing or permitting any such actions to the tree(s) described in the Schedule and shown on the map without the Council's consent.

A certified copy of the Order and Map number 20170130 referred to therein may be inspected between 9.30am and 5.00pm on Monday to Friday at the Planning Office at Barnet House, 1255 High Road, London, N20 0EJ. It is advisable to telephone 0208 359 4678 or 0208 359 4725 in advance.

Some explanatory guidance on Tree Preservation Orders is available on the London Borough of Barnet website, [www.barnet.gov.uk](http://www.barnet.gov.uk) or alternatively at the website of the Department of Communities and Local Government, <http://www.communities.gov.uk/planningandbuilding/planningenvironment/treepreservationorders/>

The Council have made the Order because the trees included in the Tree Preservation Order are of special amenity value and therefore contribute to the character and scenic interest of the area. The trees listed in the schedule to the Order make a significant contribution to the character and appearance of the area and are capable of providing amenity value for some considerable time, with normal attention based on silvicultural or arboricultural principles, and as such the Corporation considers that the listed trees should be substantially maintained and protected from indiscriminate felling, lopping etc.

The Order took effect, on a provisional basis, on 30.01.2017. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

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 the tree(s) covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by **SIX WEEKS AFTER DATE OF MAKING**. Your comments must comply with regulation 6 of the Town And Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided below. Send your comments to Technical

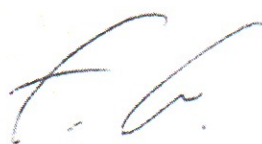


Support Officer (Legal), Planning Department, Barnet House, 1255 High Road, London, N20 0EJ, quoting the reference at the foot of this Notice. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

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 Simon Aquilina (Telephone: 020 8359 4678, Email: [simon.aquilina@barnet.gov.uk](mailto:simon.aquilina@barnet.gov.uk)).

Dated: 01 February 2017

Signed:



**Fabien Gaudin**

**Planning Performance and Business Development Manager**

Development & Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, London N20 0EJ

Reference: **17/TPO/003**

## **COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012**

### ***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) [i.e. Six weeks after date of making]; 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.*



## **Town and Country Planning (Tree Preservation) (England) Regulations 2012 S.I. 2012 No.605**

The above Regulations (TPO Regulations 2012) came into force on 6<sup>th</sup> April 2012.

The Regulations introduce a number of changes to procedures and provisions relating to protected trees - both in existing and new Tree Preservation Orders (TPOs) and trees in Conservation Areas.

For existing TPOs, whilst the information identifying the trees protected trees (i.e. the map and First Schedule) continues in force, all the other provisions within the Order are cancelled and are replaced by provisions in the new Regulations.

The following information is for guidance only, it does not set out the full provisions – for a definitive statement of the law reference should be made to the relevant primary and secondary legislation. The Regulations include the following parts:

### **Part I – General**

The above regulations apply in England only  
A number of definitions are set out

### **Part 2 - Tree Preservation Orders**

The form of TPO  
Procedures for making and confirming a TPO  
Other procedural matters

### **Part 3 – Prohibited Activities and Exceptions**

Written consent from the Council (as Local Planning Authority) is required for a person to:

- Cut down
- Top
- Lop
- Uproot
- Wilfully damage
- Wilfully destroy
- Or cause or permit the above
- 

Such consent may be subject to condition(s)

#### **Exceptions:**

#### **TPO trees:**

- (a)(i) dead
- (ii) in compliance with an obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance
- (iii) by or at the request of a statutory undertaker [as defined in paragraph 3 of Regulation 14] for tree on operational land and work necessary:
  - (aa) in the interests of safe operation of the undertaking



(bb) in connection with inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker  
(cc) to enable the statutory undertaker to carry out development permitted by GPDO 1995

- (iv) work required to implement a Schedule 1 Highways Act 1980 order
- (v) work urgently necessary for national security purposes
- (vi) where a tree is cultivated for the production of fruit in the course of a business or trade and work is in the interests of that business or trade
- (vii) so far as such work necessary to implement a [full] grant of planning permission
- (viii) by or at the request of the Environment Agency to enable the Agency to carry out development permitted by GPDO 1995
- (ix) by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the their functions in relation to maintenance, improvement or construction of watercourses or of drainage works

(b) the removal of dead branches from a living tree

(c) to the extent that works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken

(d) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit

(e) by, or at the request of, or in accordance with a notice served by a licence holder [Paragraph 9 of Schedule 4] Electricity Act 1989.

At least five working days notice in writing of proposed activities must be given to the Council for (a)(i) or (c) unless the work is urgently necessary to remove an immediate risk of serious harm (in which case written notice must be as soon as practicable after the works became necessary).

#### Conservation Area trees:

- (i) as TPO trees
- (ii) by, or on behalf of, Forestry Commissioners on their own land or under their management or supervision
- (iii) by, or on behalf of, a local planning authority

(b) cutting down of a tree in accordance with a Forestry Commission felling licence

(c) cutting down of a tree in accordance with a Forestry Commission dedication covenant or agreement or conditions of a grant or loan

(d) cutting down or uprooting of a tree

- (i) whose diameter does not exceed 75 millimetres
- (ii) where carried out for sole purpose of improving the growth of other trees, which does not exceed 100 millimetres

(e) topping or lopping of a tree whose diameter does not exceed 75 millimetres

(2) For the purpose of this regulation



- (a) for a multi-stemmed tree – if any one stem measured over bark at 1.5 metres above ground level exceeds 75mm / 100mm  
(b) for a single stemmed tree – diameter ascertained by measured over bark at 1.5 metres above natural ground level

#### **Part 4 – Applications for Consent under Tree Preservation Orders**

Applications must be submitted in writing on the appropriate form and be accompanied by the specified supporting documentary evidence.

The application form and guidance notes can be downloaded from the Council's website:  
[http://www.barnet.gov.uk/downloads/download/124/application\\_to\\_treat\\_a\\_tree](http://www.barnet.gov.uk/downloads/download/124/application_to_treat_a_tree)  
[http://www.barnet.gov.uk/downloads/download/125/guidance\\_notes\\_for\\_application\\_for\\_tree\\_works](http://www.barnet.gov.uk/downloads/download/125/guidance_notes_for_application_for_tree_works)

The application may be granted consent – with or without conditions – or refused.  
A TPO consent is valid for a period of two years and may be carried out only once unless otherwise stated in a condition.

#### **Part 5 – Appeals**

Procedures for appeals against refusal of consent or conditions or failure to determine an application within the period of 8 weeks beginning with the day after the date on which the application was received by the local planning authority and against Tree Replacement Notices are set out.

An appeal shall be made by notice in writing addressed to the Secretary of State and, unless the Secretary of State allows otherwise, in the case of refusal of consent or conditions be served within 28 days of receipt of notification of the authority's decision; or at any time after the expiry of the 8 week period in the case of non-determination.

The appellant shall send a copy of the notice of appeal to the local planning authority at the same time as giving the written notice to the Secretary of State.

Schedule 6 of the Town and Country Planning Act 1990 applies to appeals unless the appellant or local planning authority wishes the appeal to be determined by the hearing procedure.

The Regulations set out the procedures for submission of Preliminary information, Questionnaire, and Further information as required.

The Secretary of State may allow or dismiss the appeal or reverse or vary any part of the local planning authority's decision and may deal with the application as if it had been made to the Secretary of State in the first instance.

Where Further information is required to be submitted, the appeal decision may be made taking into account only such information as has been submitted within the specified period.

If an appeal is made against non-determination, it shall be assumed that the local planning authority decided to refuse the application.



(5) - n  
(6) Cl

The Secretary of State's decision on appeal shall be final.

Further information about appeals is available from the Planning Inspectorate, see: <http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation>

## Part 6 – Compensation

The circumstances and constraints for claiming compensation for loss or damage caused or incurred in consequence of refusal or conditional consent are set out, together with the relevant procedures:

(1) If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under these Regulations;
- (b) the grant of any such consent subject to conditions; or
- (c) the refusal of any consent, agreement or approval required under such a condition,

that person 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 regulation—

- (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 these Regulations for the felling in the course of forestry operations of any part of a woodland area—

- (a) they shall not be required to pay compensation to any person other than the owner of the land;
- (b) they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and
- (c) 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 case other than those mentioned in paragraphs (2) or (3), 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 application and the documents and particulars accompanying it, 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 that person's 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 these Regulations or the grant of any such consent subject to conditions.



(5) – relates to felling licenses and the Forestry Commission; as does (7)

(6) Claims for payment of compensation by virtue of paragraph (1) shall be made in writing to and paid by the authority.

(8) Any question of disputed compensation under this regulation shall be referred to and determined by the Upper Tribunal.

(9) In relation to the determination of any such question, the provisions of section 4 of the Land Compensation Act 1961 and sections 22 and 29 of the Tribunals, Courts and Enforcement Act 2007 shall apply subject to any necessary modifications and to the provisions of these Regulations.

(11) In this regulation—

“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 by section 34 of the Forestry Act 1967 (meaning of “owner”).

## **Part 7 – Miscellaneous Provisions**

For the purposes of section 206(1)(b) (replacement of trees) and section 213(1)(b) (enforcement of controls as respects trees in conservation areas), replacement planting is required whenever the cutting down or uprooting of a tree is authorised only by virtue of regulation 14(1)(a)(i) (*dead*) or 14(1)(c) (*urgently necessary to remove an immediate risk of serious harm*) [instead of section 198(6)].

Revocations, transitional, transitory and saving provisions

A full copy of the TPO Regulations 2012 can be downloaded at:

<http://www.legislation.gov.uk/ukSI/2012/605/made>