

TPO

Luton Borough Council

Correspondence



The Order

E107 | 171

TOWN AND COUNTRY PLANNING ACT 1990

COPTHORNE AND ROTHERFIELD

TREE PRESERVATION ORDER 2001

The Council of the Borough of Luton in exercise of the powers conferred on them by Sections 198, 199, 200, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order.

Citation

1. This Order may be cited as the Copthorne and Rotherfield Tree Preservation Order 2001

Interpretation

2. In this Order "the authority" means the Council of the Borough of Luton and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall apply to this Order, and, accordingly, this Order shall take effect provisionally on 14 September 2001

Prohibited acts in relation to trees

4. Without prejudice to sub-sections (6) and (7) of Section 198 (power to make tree preservation orders) [or sub-section (3) of Section 200 (orders affecting land

where Forestry Commissioners interested)], and subject to Article 5, no person shall:-

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in 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.

Exemptions

5. (1) Nothing in Article 4 shall prevent:-

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to Paragraph. (a)(iii), a permission granted by or under the Town and Country Planning

(General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to Section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under Paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In Paragraph (1), "statutory undertaker" means any of the following:-

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

a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

the holder of a licence under Section 6 of the Electricity Act 1989,

a public gas transporter,

the holder of a licence under Section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,

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 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.

- (3) 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 and maintenance of fencing necessary for the protection of 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, they 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 6(c) 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) Sub-sections (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 (if any) 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 planted] [those trees are planted].

Orders made by virtue of Section 300

11. This Order takes effect in accordance with sub-section (3) of Section 300 (tree preservation orders in anticipation of disposal of Crown land).]

Dated this th 14 day of September 2001

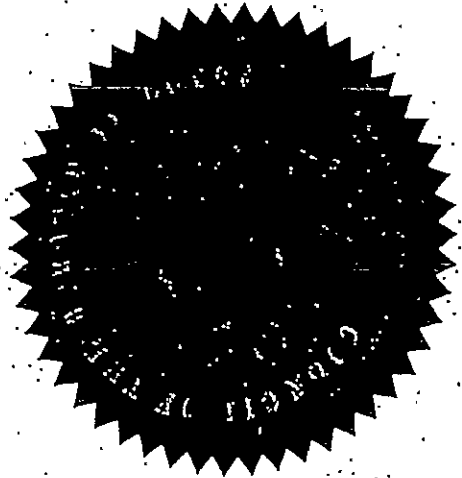
THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH)
OF LUTON was hereunto)
affixed in the presence of:-)

Richard J. Stiles

Authorised Signatory

G. G. G. G.

Authorised Signatory



MIN. REF.	EX 349/00
EPS. No.	38049
INIT.	J.U

Article 4

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

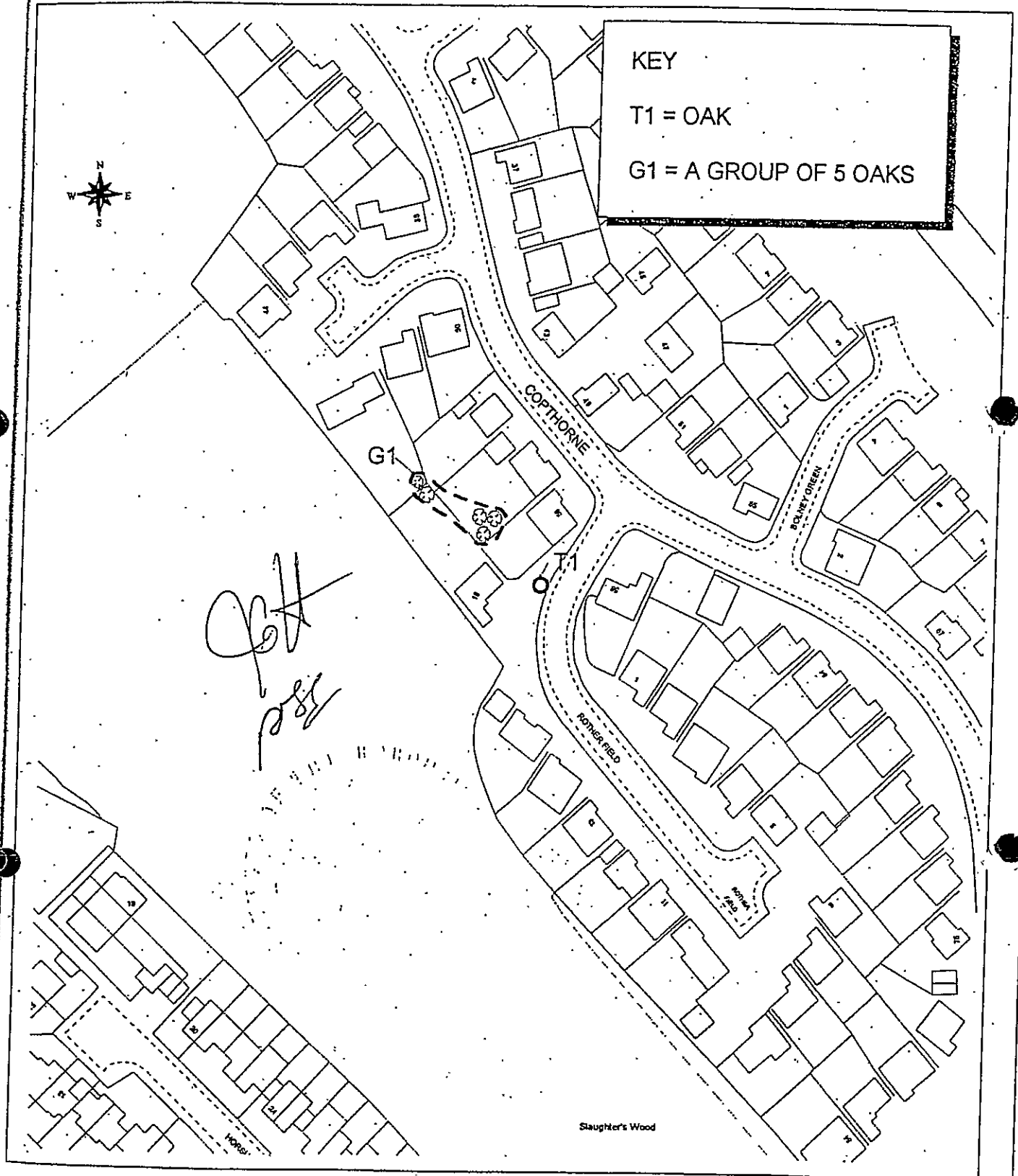
Reference on map	Description	Situation
T1	1 Oak Tree	Standing in the curtilage of No. 56 Copthorne, Luton

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

Reference on map	Description	Situation
None	None	None

Group of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	5 Oak Trees	Standing 1 within the curtilage of No. 46 Copthorne, Luton 3 within the curtilage of No. 54 Copthorne, Luton 1 within the curtilage of No. 16 Rotherfield, Luton



Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
None	None	None

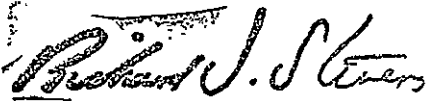
TOWN AND COUNTRY PLANNING ACT 1990

COPTHORNE AND ROTHERFIELD

TREE PRESERVATION ORDER 2001

CONFIRMATION OF ORDER

The Order dated 14 September 2001 was confirmed by the Council of the Borough
of Luton without modification on the 3rd day of April 2002



Solicitor to the Council

Authorised by the Council to sign in that behalf

K:LEGAL:UMRIGAR:TPO-ORDER

SCHEDULE 2

PART I

PROVISION OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provisions of the Town and Country 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".
- (b) 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)).

*Provisions of the Town and
Country Planning Act 1990*

Section 70
(determination of applications: general
considerations)

Adaptation or modification

- (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 permission" 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).

*Provisions of the Town and
Country Planning Act 1990*

Section 75 (effect of planning
permission)

Section 78 (right to appeal against
planning decisions and failure to take
such decisions)

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)
- (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 those words appear;
 - (iii) "consent under such an order" for "planning permission" in the second place where those 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 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,".
- (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 -

*Provisions of the Town and
Country Planning Act 1990*

Adaptation or modification

Section 79
(determination of appeals)

- (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."
- (d) For subsection (4), substitute -
"(4) The appellant shall serve on the authority a copy of the notice mentioned in (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."
- (a) In subsections (1) and (2), substitute "the authority" for "the local planning authority"
- (b) Omit subsection (3).
- (c) In subsection (4), substitute -
 - (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5) 73 and 73A and Part I of Schedule 5";
 - (ii) "consent under a tree preservation order" for "planning permission"; and

*Provisions of the Town and
Country Planning Act 1990*

Adaptation or modification

- (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 order by virtue of section 65 or 71."
- (d) Omit subsections (6) and (6A)
- (e) In subsection (7), omit the words after "section 78".

PART II

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS ADAPTED
AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation 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 (1B), 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 insofar as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it

Section 78

- (1) Where 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 eight 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.
- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (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

- (1) 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 had 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 which an appeal shall be final.
- (7) Schedule 6 applies to appeals under section 78.

F:UMRIGAR:JOB(12)

TPO
Luton Borough Council

General Correspondence

lwt nrr

BOROUGH OF LUTON

INTER-DEPARTMENTAL MEMORANDUM

From Head of Legal Services

To Development Control Manager
FAO Mr. Blackley

Date 3 April 2002

Subject	References
TREE PRESERVATION ORDER COPTHORNE AND ROTHERFIELD LUTON	Mine JNU/JH/P/4/550 Yours

ENVIRONMENT & PLANNING
- 4 APR 2002
PIMC/MC

(Handwritten signature)

Thank you for your memorandum dated 4 March.

The Tree Preservation Order has now been confirmed. A copy of the Notice of Confirmation is attached. I have written to the owner occupiers informing them of this.

Register, etc.
(Pl. inform STR also)
Copy to Searches

(Handwritten signature)

Jimmy Umrigar
Solicitor

Have put in searches TPO books 26.09.01

BOROUGH OF LUTON

INTER-DEPARTMENTAL MEMORANDUM

From Head of Legal Services

To Development Control Manager

Date 17 September 2001

FAO Mrs. Richardson

Subject	References
TREE PRESERVATION ORDER COPTHORNE AND ROTHERFIELD, LUTON	Mine JNU/JS/P/4/550 Yours

I am pleased to confirm that the Tree Preservation Order for the six oak trees has now been made. A copy of the Order is attached for your file.

The owner/occupiers of 56, 46 and 54 Copthorne and 16 Rotherfield have also been informed.

The Order has also been registered as a Local Land Charge on the Register of Local Land Charges.

Jimmy Umrigar
 Jimmy Umrigar
 Solicitor

INT NRR
 ENVIRONMENT & REGENERATION
 18 SEP 2001
 PIMS NO. P107526
 GROUP DC
 TEAM DC
 NAME (SPL)

EM
 Note & pass to Mary to register, etc.

Sir - Noted 18.09.01.
 before putting in books/Registers etc. - Sharon Jones
 SEEN 26/9/01
 JAT

IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

**NOTICE UNDER REGULATION 3 OF THE
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

THE BOROUGH OF LUTON (COPTHORNE AND ROTHERFIELD)

TREE PRESERVATION ORDER 2001

The Council of the Borough of Luton, (the Authority), give you notice in pursuance of the above mentioned Act and Regulations as follows:-

1. They have made a Tree Preservation Order ("the Order") pursuant to Sections 198 and 199 of the Town and Country Planning Act 1990, for the preservation of a tree or trees as indicated on the plan annexed to the Order, a copy of which is enclosed.
2. The Order provisionally came into effect on 14 September 2001 under a direction contained in the Order pursuant to Section 201 of the Town and Country Planning Act 1990 and will remain in force for six months. During this period the Authority will decide whether the Order should be given permanent status.
3. The Order is made on the ground that preservation will maintain the present character of the particular locality and safeguard the amenity of the area.
4. A certified copy of the Order has been deposited and may be inspected at the Luton Borough Council's Offices at Town Hall, Luton during the usual office hours (Monday to Thursday 9.00am to 5.00pm and Friday 9.00am to 4.30pm).
5. People affected by the Order have a right to object or make comments on any of the trees or woodlands covered before the Authority decide whether the Order should be made permanent.


If you would like to make any objections or comments, please make sure the Authority receives them in writing within 28 days from the date of this Notice. Your comments must meet Regulation 4 of the Town and Country Planning (Trees) Regulations 1999 (a copy is attached). The Authority will carefully consider all objections and comments before deciding whether to make the Order permanent.

REGULATION 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); 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 the objections or 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.
6. The Authority shall, as soon as practicable after reaching a decision on the Order, inform the owners and occupiers of the land to which the Order relates, the Conservator of Forests, the District Valuer and any other person on whom this notice has been served in accordance with the Regulations, of their decision: and in addition, where the Order has been confirmed subject to modification, the Authority shall serve on every such person a copy of the Order and the map as confirmed.

Dated 14 September 2001

Luton Borough Council
Town Hall
Luton
LU1 2BQ


14 SEP 2001

Solicitor to the Council

K:\LEGAL\UMRIGAR\COPTHORNE&ROTHERFIELD

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

BOROUGH OF LUTON

S.330 TOWN AND COUNTRY PLANNING ACT, 1990


NOTICE REQUIRING INFORMATION

My Ref: JNU/JH/P/4/571

To: Owner/Occupier
56 Copthorne
Luton

The Council of the Borough of Luton (hereinafter called "the Council") with a view to performing the function conferred on them by the Town and Country Planning Act, 1990 require information as to the particulars of persons interested in the land and premises known as 56 Copthorne Luton

TAKE NOTICE that in pursuance of Section 330 of the Town and Country Planning Act, 1990 (a copy of which is attached and which is also reproduced overleaf) the Council requires you to provide in writing replies to the information requested on the enclosed Replies to Requisition for Information questionnaire within 21 days from the date of service of this Notice.


DATED the 14 day of September 2001
14 SEP 2001
.....
Solicitor to the Council

TOWN HALL
LUTON
BEDS

If you wish to use the Reply Form attached please detach that Form and return it duly completed in the reply-paid envelope enclosed for your use.

EXTRACT from the TOWN AND COUNTRY PLANNING ACT 1990

Power to require information as to interests in land

S.330(1) - For the purpose of enabling the Secretary of State or a local authority to make an order to issue or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make, issue or serve, the Secretary of State or the local authority may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing such information as to the matters mentioned in subsection (2) as may be so specified.

- (2) The matters referred to in subsection (1) of this section are -
- (a) the nature of the interest in the premises of the person on whom the notice is served;
 - (b) the name and address of any other person known to him as having an interest in the premises;
 - (c) the purpose for which the premises are being used;
 - (d) the time when that use began;
 - (e) the name and address of any person known to the person on whom the notice is served as having used the premises for that purpose;
 - (f) the time when any activities being carried out on the premises began.

(3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of State or, as the case may be, the local authority may allow.

(4) Any person who without reasonable excuse fails to comply with a notice served on him under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person who, having been required by a notice under subsection (1) of this section to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum £5,000 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

[(6) This section shall have effect as if the references to a local authority included references to a National Parks Authority.]

Offences by Corporations

Section 331 - (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity, he as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

- (2) In subsection (1) "director", in relation to any body corporate -
- (a) which was established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, and
 - (b) whose affairs are managed by its members

means a member of that body corporate.

EXPLANATORY NOTE

- (1) As the Council is considering action under the Town and Country Planning Act 1990 it may serve upon you a notice ("the Notice") requiring you and any other person who is an occupier or in receipt of rent (directly or indirectly) to give information in writing regarding the matters referred to in the attached questionnaire within 21 days of the date of the Notice.
- (2) Questions can be asked of you, and you will find these questions on the attached questionnaire.
- (3) Failure to provide the information within 21 days could result in your prosecution and if you are found guilty of not supplying the information, the Magistrates Court can fine you up to £1000.
- (4) If you knowingly give false information on the questionnaire you can again be prosecuted. This time however, the prosecution could be either in the Magistrates Court (where, if you were found guilty, a fine of up to £5000 could be imposed) or in the Crown Court before a judge and jury (where, if you were found guilty, the judge could impose any fine without limit, or could sentence you to up to 2 years imprisonment, or both).

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

BOROUGH OF LUTON

S.330 TOWN AND COUNTRY PLANNING ACT, 1990


NOTICE REQUIRING INFORMATION

My Ref: JNU/JH/P/4/571

To: Owner/Occupier
46 Copthorne
Luton

The Council of the Borough of Luton (hereinafter called "the Council") with a view to performing the function conferred on them by the Town and Country Planning Act, 1990 require information as to the particulars of persons interested in the land and premises known as 46 Copthorne Luton

TAKE NOTICE that in pursuance of Section 330 of the Town and Country Planning Act, 1990 (a copy of which is attached and which is also reproduced overleaf) the Council requires you to provide in writing replies to the information requested on the enclosed Replies to Requisition for Information questionnaire within 21 days from the date of service of this Notice.


DATED the 14 day of September 2001
14 SEP 2001
.....
Solicitor to the Council

TOWN HALL
LUTON
BEDS

If you wish to use the Reply Form attached please detach that Form and return it duly completed in the reply-paid envelope enclosed for your use.

EXTRACT from the TOWN AND COUNTRY PLANNING ACT 1990

Power to require information as to interests in land

S.330(1) - For the purpose of enabling the Secretary of State or a local authority to make an order to issue or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make, issue or serve, the Secretary of State or the local authority may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing such information as to the matters mentioned in subsection (2) as may be so specified.

- (2) The matters referred to in subsection (1) of this section are -
- (a) the nature of the interest in the premises of the person on whom the notice is served;
 - (b) the name and address of any other person known to him as having an interest in the premises;
 - (c) the purpose for which the premises are being used;
 - (d) the time when that use began;
 - (e) the name and address of any person known to the person on whom the notice is served as having used the premises for that purpose;
 - (f) the time when any activities being carried out on the premises began.

(3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of State or, as the case may be, the local authority may allow.

(4) Any person who without reasonable excuse fails to comply with a notice served on him under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person who, having been required by a notice under subsection (1) of this section to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum £5,000 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

[(6) This section shall have effect as if the references to a local authority included references to a National Parks Authority.]

Offences by Corporations

Section 331 - (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity, he as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

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IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

BOROUGH OF LUTON

S.330 TOWN AND COUNTRY PLANNING ACT, 1990


NOTICE REQUIRING INFORMATION

My Ref: JNU/JH/P/4/571

To: Owner/Occupier
54 Copthorne
Luton

The Council of the Borough of Luton (hereinafter called "the Council") with a view to performing the function conferred on them by the Town and Country Planning Act, 1990 require information as to the particulars of persons interested in the land and premises known as 54 Copthorne Luton

TAKE NOTICE that in pursuance of Section 330 of the Town and Country Planning Act, 1990 (a copy of which is attached and which is also reproduced overleaf) the Council requires you to provide in writing replies to the information requested on the enclosed Replies to Requisition for Information questionnaire within 21 days from the date of service of this Notice.


DATED the 14 day of September 2001
14 SEP 2001
.....
Solicitor to the Council

TOWN HALL
LUTON
BEDS

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- (a) the nature of the interest in the premises of the person on whom the notice is served;
 - (b) the name and address of any other person known to him as having an interest in the premises;
 - (c) the purpose for which the premises are being used;
 - (d) the time when that use began;
 - (e) the name and address of any person known to the person on whom the notice is served as having used the premises for that purpose;
 - (f) the time when any activities being carried out on the premises began.

(3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of State or, as the case may be, the local authority may allow.

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EXPLANATORY NOTE

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E/107/171

AGENDA ITEM

L

EXECUTIVE

DATE: 13TH NOVEMBER 2000

SUBJECT: PROPOSED TREE PRESERVATION ORDER:
COPTHORNE AND ROTHERFIELD (E/107/171)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: SANDRA RICHARDSON 546321

IMPLICATIONS:

- | | | | |
|------------|--------------------------|------------------|--------------------------|
| LEGAL | <input type="checkbox"/> | STAFFING | <input type="checkbox"/> |
| EQUALITIES | <input type="checkbox"/> | COMMUNITY SAFETY | <input type="checkbox"/> |
| FINANCIAL | <input type="checkbox"/> | OTHER | <input type="checkbox"/> |

CONSULTATIONS:

- | | | | |
|------------------------|--------------------------|------------------------------|--------------------------|
| COUNCILLORS CONSULTED | <input type="checkbox"/> | SCRUTINY COMMITTEE CONSULTED | <input type="checkbox"/> |
| STAKEHOLDERS CONSULTED | <input type="checkbox"/> | OTHER | <input type="checkbox"/> |

WARDS AFFECTED: PUTTERIDGE

LEAD EXECUTIVE MEMBER(S):

RECOMMENDATION(S)

Executive is recommended in the interests of general amenity, to make a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 in respect of Trees located within the area identified on the attached plan and that the Order should take immediate effect pursuant to the procedures set out in Section 201 of the Act.

REPORT

A request has been made from a local resident to make a Tree Preservation Order in respect of a number of trees in the immediate surrounding area.

An inspection of the area has taken place and it is established that there are a number mature trees within the gardens of a number of properties in Copthorne and Rotherfield. A representative from the Director of Leisure and Cultural Services has been to the area and confirms that the trees

in question are all Oaks and are likely to originally have formed part of the edge structure of the ancient woodland. All of the trees are mature and large trees offering significant amenity value and wildlife habitat, and they are considered to be of the largest and finest specimen trees within the Borough.

Whilst it is not the normal practice of the Council to make Orders on trees within the rear gardens of houses, the trees referred to make a significant contribution to the visual amenities of the surrounding streetscene and hence their wider public amenity value suggests that consideration should be given to their preservation.

APPENDIX

Appendix "A" - Plan No. DC/00/0003

BACKGROUND PAPERS

File No. - E/107/171

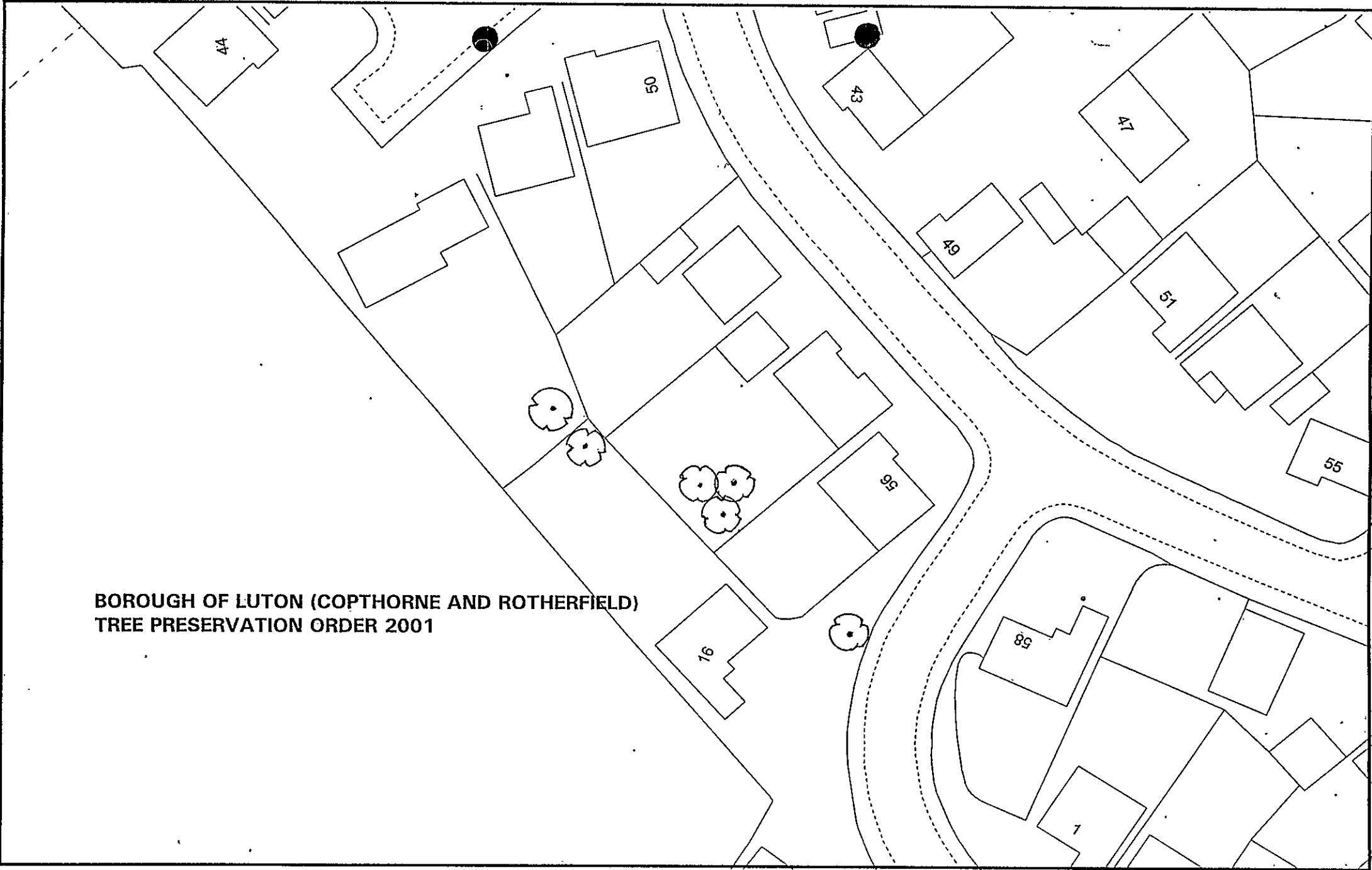
EXECUTIVE RECOMMENDATION(S) TO EXECUTIVE COMMITTEE:

[Click here and enter recommendations]

RECOMMENDATION PUBLISHED ON:	DATE:	
"CALL IN" DEADLINE:	DATE:	TIME:

**BOROUGH OF LUTON (COPTHORNE AND ROTHERFIELD)
TREE PRESERVATION ORDER 2001**

No.	Description	Location	Reason for Preservation	Owner/Occupier
G1	6 Oak Trees	1 within the curtilage of No. 46 Copthorne 3 within the curtilage of No. 54 Copthorne 2 within the curtilage of No. 16 Rotherfield.	Provides a significant contribution to the visual amenities of the surrounding streetscene and hence their wider public amenity.	No. 46 Copthorne No. 54 Copthorne No. 16 Rotherfield Mrs. P. A. Hammond



**BOROUGH OF LUTON (COPHORNE AND ROTHERFIELD)
TREE PRESERVATION ORDER 2001**



1:500

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BOROUGH OF LUTON

PLANNING AND DEVELOPMENT	
10 MAR 2000	
PIMS NO.	
GROUP	
TEAM	
NAME	

INTER-DEPARTMENTAL MEMORANDUM

SJR

From: Barry Timms
Parks Manager
Date: 08/03/00

To: Development Control Manager
cc:

Please could you do a report to 26 April Meeting re making a TPO.

Subject	References
Oak Trees Situated In Private Gardens - Wigmore Estate.	Mine: BT/SC/MKB Yours:

I have received an enquiry from Mrs Cottier of 46 Copthorne, Luton requesting a number of mature Oak trees within private gardens are placed under preservation orders.

The trees in question are all Oaks, species quercus, and are situated within gardens of Copthorne and Rotherfield properties.

The properties are situated near Slaughters Wood and the Oaks are likely to originally have formed part of the edge structure of the ancient woodland.

Apart from the Oak tree within the rear garden of No 46 Copthorne, none of the trees recommended to be subject to a Preservation Order have been inspected in any detail, as access was not available to the properties.

All of the Oaks are mature and large trees offering significant amenity value and wildlife habitat also. The Oaks are considered to be of the largest and finest specimen trees within the borough.

The following trees are recommended for being placed under Preservation Orders:-

No 46 Copthorne - 1 Oak, good specimen, broadly crowned. Some minor reshaping and balancing should be considered for the future.

No 52 Copthorne - rear garden - 1 Oak, appears to be in satisfactory condition, pruning has been carried out in the past.

No 54 Copthorne - rear garden, 3 Oaks. Appear to be in satisfactory condition although ivy on main stems maybe obscuring defects. The 3 Oaks have been pruned incorrectly in recent years as a result the natural forms have been spoiled. Some corrective surgery by a professional tree surgeon would improve the form and structure of the trees.

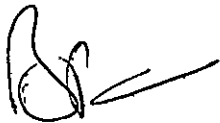
No 16 Rotherfield - front garden, 1 Oak. Large tree, good crown form and appears to be in satisfactory condition for the present time.

No 16 Rotherfield - rear garden, 1 Oak. Large tree, good form. Appears to be in satisfactory condition for the present time.

A simple guidance note should be considered, to be issued to the owners of protected trees offering information on professional tree surgeons, i.e. Arboricultural Association approved contractors, as such contractors consistently carry out tree pruning to the minimum quality standards BS 3998 "Recommendations for Tree Works".

I trust that this information is helpful.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B Timms', with a long horizontal stroke extending to the right.

B Timms
PARKS MANAGER

**BOROUGH OF LUTON (COPTHORNE AND ROTHERFIELD)
TREE PRESERVATION ORDER 2001**

No.	Description	Location	Reason for Preservation	Owner/Occupier
G1	5 Oak Trees	1 within the curtilage of No. 46 Copthorne 3 within the curtilage of No. 54 Copthorne 1 within the curtilage of No. 16 Rotherfield.	Provides a significant contribution to the visual amenities of the surrounding streetscene and hence their wider public amenity.	No. 46 Copthorne No. 54 Copthorne No. 16 Rotherfield Mrs. P. A. Hammond
T1	1 Oak Tree	1 within the curtilage of No. 56 Copthorne	Provides a significant contribution to the visual amenities of the surrounding streetscene and hence their wider public amenity.	No. 56 Copthorne