Confirmed
25.04.07

Town and Country Planning Act 1990

Insert title of Order (including year)

WREXHAM COUNTY BOROUGH COUNCIL (COMMUNITY OF CAIA PARK) TREE PRESERVATION ORDER, No 117, 2006

Insert name of Council

Insert name of appropriate authority

The **Wrexham County Borough Council** in exercise of the powers conferred on them by sections 198 [, 201[a]] [~~and~~] 203 [~~and 300~~] of the Town and Country Planning Act 1990[b], [and with the consent of the

]

hereby make the following Order:—

Citation

Insert title of Order (including year)

1. This Order may be cited as **Wrexham County Borough Council (Community of Caia Park) Tree Preservation Order No 117, 2006**

Interpretation

Name of Council making the Order

2. In this Order "the authority" means the

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

Insert date

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 **20 December 2006**

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)[c] [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in 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[d] of the statutory undertaker and the work is necessary—

(a) Under section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201 for an order to take provisional effect immediately.

(b) Where the Order is to be made under the sections cited *and* section 300 of the Town and Country Planning Act 1990, all those provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry Commission is required (and should be cited) *see* section 200(1) of that Act.

(c) 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 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

(d) *See* section 263 of the Town and Country Planning Act 1990.

(e) S.I. 1995/418.

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