



Borough of Haringey

Town & Country Planning Act, 1962.

**THE HARINGEY
TREE PRESERVATION ORDER
No.2, 1967.**

LONDON BOROUGH OF HARINGEY
TOWN AND COUNTRY PLANNING ACT 1962
THE HARINGEY TREE PRESERVATION ORDER NO. 2, 1967

The Mayor, Aldermen and Burgesses of the London Borough of Haringey (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962, and subject to the provisions of Section 15 of the Forestry Act, 1967, hereby make the following Order:-

1. In this Order:-

"the Act" means the Town and Country Planning Act, 1962;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession; and

"the Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map marked.

NOTE:- If it is desired to fell any of the trees included in this Order whether included as trees, groups of trees or woodlands and the trees are trees for the felling of which a licence is required under the Forestry Act, 1967, application must be made not to the authority for consent under this Order but to the Forestry Commissioners for a licence under that Act (see Forestry Act, 1967, section 15(5)).

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The Haringey Tree Preservation Order, No. 2, 1967 and signed by the Acting Town Clerk of the Authority and deposited for inspection at The Hornsey Town Hall, The Broadway, Crouch End, N.8. and a certified copy of which has been similarly deposited at The Civic Centre, Wood Green, N.22. which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

- (2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland then unless:-

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

- (b) the authority with the approval of the Minister dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

- (2) Any direction given under paragraph (1) of this Article may include requirements as to:-

- (a) species;
- (b) number of trees per acre;
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

8. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

9. In assessing compensation payable under the last preceding Article account shall be taken of:-

(a) any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 29 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Town Clerk thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

11. Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of Section 62 of the Act, and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY (Coloured Green and Encircled in Black on Map)

No. on Map	Description	Situation	Map Sheet No.
T.1	Lawsons Cypress	29 Albert Road, N.4. In rear garden	5
T.2	Lime	69 Allison Road, N.8. In rear garden	4
T.3	Ash	70 Beresford Road, N.8. In rear garden adj. to New River	4
T.4	Walnut	26 Cavendish Road, N.4. In rear garden	4
T.5	Lime	50 Cavendish Road, N.4. In rear garden	4
T.6	Turkey Oak	51 Cavendish Road, N.4. In rear garden	4
T.7	Horse Chestnut	121 Crouch Hill, N.8. In front garden	3
T.8	Birch	127 Crouch Hill, N.8. In front garden	3
T.9	Lime	38 Duckett Road, N.4. In rear garden	4
T.10	Sycamore	43 Duckett Road, N.4. In rear garden	4
T.11	Mulberry	24 Elm Grove, N.8. In rear garden	3
T.12	Sycamore	4 Endymion Road, N.4. In rear garden	6
T.13	Birch	25 Fairfax Road, N.8. In rear garden	2
T.14	Oak	21 Falkland Road, N.8. In rear garden	2

No. on Map	Description	Situation	Map Sheet No.
T.15	False Acacia	69 Ferme Park Road, N.8. In rear garden	3
T.16	Lime	76 Ferme Park Road, N.8. In rear garden	3
T.17	Birch	147 Ferme Park Road, N.8. In rear garden adj. Weston Park	3
T.18	Lime	59 Frobisher Road, N.8. In rear garden	2
T.19	Sycamore	55 Glebe Road, N.8. In rear garden	1
T.20	Sycamore	76 Hampden Road, N.8.	2
T.21	Pink Flowered Chestnut	1 Haringey Park, N.8. In front garden	3
T.22	Pink Flowered Chestnut	4 Haringey Park, N.8. In front garden	3
T.23	London Plane	28 Harold Road, N.8. In rear garden	1
T.24	Pink Flowered Chestnut	69 High Street, N.8. In front garden	1
T.25	Pink Flowered Chestnut	63 Lausanne Road, N.8. In rear garden	2
T.26	Lime	70 Lausanne Road, N.8. In rear garden	2
T.27	Sycamore	11 Lothair Road South, N.4. In rear garden	6
T.28	Sycamore	35 Middle Lane, N.8. In rear garden adj. to New Road	3
T.29	Horse Chestnut	"Video Court", 2 Mount View Road, N.4. In front garden	5
T.30	Sycamore	6 Mount View Road, N.4. In front garden	5

No. on Map	Description	Situation	Map Sheet No.
T.31	Thorn	1 Oxford Road, N.4. In rear garden adj. to Victoria Terrace	6
T.32	Sycamore	15 Priory Road, N.8. In rear garden adj. Oak Avenue	1
T.33	Ash	27 Raleigh Road, N.8. In rear garden	2
T.34	Ash	17 Ribblesdale Road, N.8. In rear garden	1
T.35	Ash	22 Ridge Road, N.8. In rear garden adj. Granville Road	3
T.36	Ash	5 Stapleton Hall Road, N.4. At rear	5
T.37	Lime	32 Upper Tollington Park, N.4. In rear garden	6
T.38	Lime	36 Upper Tollington Park, N.4. In rear garden adj. Oxford Road	6
T.39	Sycamore	33 Weston Park, N.8. In rear garden	3
T.40	Ash	33 Weston Park, N.8. In rear garden	3
T.41	Chestnut	35 Weston Park, N.8. In rear garden	3
T.42	Elm	47 Weston Park, N.8. In rear garden	3
T.43	Lime	63 Weston Park, N.8. In rear garden adj. Bourne Road	3

GROUPS OF TREES

(Coloured green and within a broken line on map)

No. on Map	Description	Situation	Map Sheet No.
G.1	2 Lime, 1 Ailanthus	46 Blythwood Road, N.4. In rear garden adj. Borough Boundary	5
G.2	2 Horse Chestnut, 1 Oak, 1 Elm	16-24 (even) Cecile Park, N.8. In rear garden adj. right of way	3
G.3	3 London Plane	3 Christchurch Road, N.8. In rear garden adj. Telephone House	3
G.4	7 London Plane	8-10 (even) Christchurch Road, N.8. In rear gardens	3
G.5	2 Sycamore, 3 Elm, 1 Oak	9-17 (odd) Christchurch Road and 135 Crouch Hill, N.8. In rear gardens adj. Telephone House	3
G.6	1 Lime, 1 Sycamore	38 Coleraine Road, N.8. adj. Burghley Road boundary	2
G.7	2 False Acacia, 1 Beech, 2 Elm	"Ivor Court", 102 Crouch Hill, N.8. In front courtyard	3
G.8	2 Beech, 1 Lime, 1 Ash	"Ivor Court", 102 Crouch Hill, N.8. At rear of property	3
G.9	3 Purple Leaved Plum, 4 Box Elder, 2 Lime	106-116 (even) Crouch Hill, N.8. In front courtyard	3
G.10	2 Birch	127 Crouch Hill, N.8. In rear garden adj. Christ Church Road	3
G.11	1 Lime, 1 Birch	5-7 (odd) Elder Avenue, N.8. In rear garden	3
G.12	1 Lime, 1 London Plane	14-16 (even) Elder Avenue, N.8. In rear gardens adj. Felix Avenue	3

No. on Map	Description	Situation	Map Sheet No.
G.13	1 Sycamore, 4 Lime	3 Fairfield Road, N.8. In rear garden	3
G.14	1 Birch, 1 Scots Pine	147 Ferme Park Road, N.8. In front garden	3
G.15	1 Birch, 1 Willow, 1 Horse Chestnut	12-16 (even) Gisburn Road, N.8. In rear gardens	1
G.16	1 Cedar, 1 False Acacia, 1 Elm	30-31 Haringey Park, N.8. In rear gardens	3
G.17	5 Sycamore	122 Hillfield Avenue, N.8. In front grounds adj. Hillfield Avenue	3
G.18	1 Oak, 1 Ash, 1 Sycamore	"The Bungalow", Landrock Road, N.8. In rear garden lying between boundary of 7 Sandringham Gardens and 51 Landrock Road	3
G.19	1 London Plane, 2 False Acacia	12, 14, 14a (even) Mount View Road, N.4. In front gardens	5
G.20	2 Lime, 2 Horse Chestnut	1-3 (odd) Oakfield Road and 123 Upper Tollington Park, N.4. In rear gardens adj. Carlton Lodge	6
G.21	5 Horse Chestnut	2-18 (even) Rokesley Avenue, N.8. In rear gardens adj. Greig Close	3
G.22	3 Horse Chestnut	5 Stapleton Hall Road, N.4. On Stapleton Hall Road frontage	5
G.23	2 Horse Chestnut, 1 Sycamore	5 Stapleton Hall Road, N.4. adj. to rear boundary	5
G.24	10 Ash, 1 Sycamore, 1 Poplar	5 Tottenham Lane, N.8. At side and rear of P.H. adj. Railway Station	1

No. on Map	Description	Situation	Map Sheet No.
G.25	4 Horse Chestnut, 3 False Acacia, 1 Sycamore	134 Tottenham Lane, N.8.	3
G.26	1 Elm, 1 Ash, 2 False Acacia, 2 Horse Chestnut	98-109 (even) Turnpike Lane, N.8. In rear gardens	2
G.27	2 Lime	111-113 (odd) Upper Tollington Park, N.4. In rear gardens adj. Carlton Lodge	6
G.28	2 Lime	9 Waverley Road, N.8.	5
G.29	1 Oak, 1 Horse Chestnut	1-3 (odd) Womersley Road, N.8. In rear gardens	3
G.30	1 Sycamore, 1 Horse Chestnut	27 Womersley Road, N.8. In rear garden	3

WOODLANDS

None

SECOND SCHEDULE

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed
- (2) the cutting down is in accordance with a plan of operations approved by Forestry Commission under the approved woodlands scheme.

- (3) the cutting down, topping or lopping of any tree exempted from the provisions of this order by Section 29(7) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or is so far as may be necessary for the purpose of preventing or abating a nuisance.
- (4) the cutting down, topping or lopping of any tree
 - (a) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act 1908;
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line; or
 - (iii) a river authority established under the Water Resources Act 1963 or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930 where the tree interferes or would interfere with the exercise of any of the functions of such river authority or drainage board in relation to the maintenance improvement or construction of water courses or of drainage works;
 - (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
 - (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Act as adapted and modified to apply to this Order.

22. Reference of applications to the Minister:- (1) The Minister may give directions to the authority requiring applications for consent under the Order, to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any application referred to him under this section shall be final.

23. Appeals against decisions:- (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(4) Where an appeal is brought under this section from a decision certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the

appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(7) The decision of the Minister on any appeal under this section shall be final.

24. Appeal in default of decision:- Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either:-

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

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of this Act;

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

27. Power to revoke or modify the consent under the order:- (1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

(2) An Order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is

served so requires, the Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall affect so much of those operations as has been previously carried out.

- (5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

THE CORPORATE SEAL OF THE MAYOR, ALDERMEN AND BURGESSES OF THE LONDON BOROUGH OF HARINGEY WAS PURSUANT TO A RESOLUTION OF THE COUNCIL OF THE SAID BOROUGH HEREUNTO AFFIXED the FIRST day of FEBRUARY, One thousand nine hundred and sixty eight.

V.P. GELLAY
Mayor



D.B. COOPER
Acting Town Clerk

The Minister of Housing and Local Government in exercise of the powers conferred upon him in that behalf hereby confirms the foregoing order subject to the modifications shown in red ink thereon.

In Witness whereof the Official Seal of the Minister of Housing and Local Government is hereunto affixed on 2nd March 1970.



H.F. HERCOCK
Authorised by the Minister