

DATED 14 November 2014

Wirral Borough Council

Tree Preservation Order

No. 357

TOWN AND COUNTRY PLANNING ACT 1990

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TREE PRESERVATION ORDER

relating to

Unused Land, Kenilworth Gardens, Upton,  
Wirral, CH49 4ND

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TREE PRESERVATION ORDER\TPO357\ORDER

TOWN AND COUNTRY PLANNING ACT 1990

WIRRAL BOROUGH COUNCIL

TREE PRESERVATION ORDER NO. 357

SITE: UNUSED LAND, KENILWORTH GARDENS, UPTON, WIRRAL, CH49 4ND 2014

The Wirral Borough Council in exercise of the powers conferred on them by Sections 198 of the Town and Country Planning Act 1990 hereby make the following Order:

**Citation**

1. This Order may be cited as Tree Preservation Order No. 357 Site: Unused Land, Kenilworth Gardens, Upton, Wirral, CH49 9ND 2014

**Interpretation**

2. (1) In this Order "the Authority" means the Wirral Borough Council.
- (2) In this Order any reference to a number 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**

3. (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**

4. 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 this 14<sup>th</sup> day of November 2014

THE COMMON SEAL of

WIRRAL BOROUGH COUNCIL

was hereunto affixed

in the presence of:-

CSB Hyls  
Authorised Officer



NUMBER IN SEAL BOOK: 435375

**[CONFIRMATION OF ORDER**

[This Order was confirmed by the Wirral Borough Council without modification  
on the                      day of

OR

[This Order was confirmed by the Wirral Borough Council, subject to modifications indicated  
by  
on the                      day of

.....  
Authorised by the Council to sign in that behalf]

**[DECISION NOT TO CONFIRM ORDER**

[A decision not to confirm this Order was taken by Wirral Borough Council  
on the                      day of

.....  
Authorised by the Council to sign in that behalf]

**[VARIATION OF ORDER**

[This Order was varied by the Wirral Borough Council  
on the                      day of  
under the reference number

.....  
Authorised by the Council to sign in that behalf]

**[REVOCATION OF ORDER**

This Order was revoked by the Wirral Borough Council  
on the                      day of  
under the reference number

.....  
Authorised by the Council to sign in that behalf]

## SCHEDULE

### SPECIFICATION OF TREES

#### **Trees Specified Individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	English Oak <i>Quercus Robur</i>	Standing 35 metres south west of the garages on Kenilworth Gardens and 3 metres from the north west boundary between Kenilworth Gardens and the adjacent woodland

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

Reference on map	Description	Situation
None		

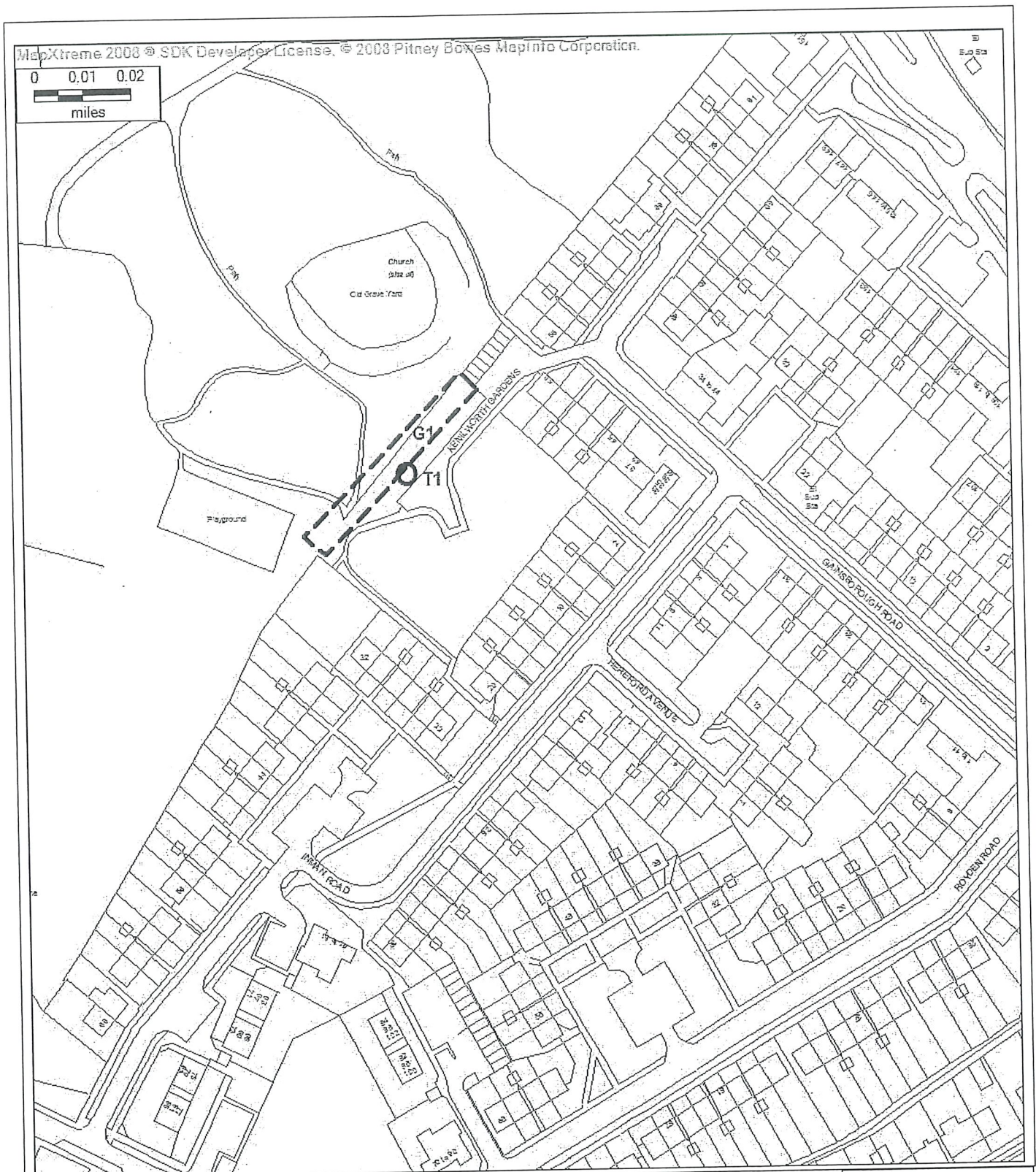
#### **Groups of trees** (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	Group consisting of Oak, Sycamore and Cedar	The north west boundary between Kenilworth Gardens and the adjacent woodland

#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None		





Map as annexed to the first schedule of  
The Wirral Borough Council  
Tree Preservation Order No. 0357  
Date: 13 October 2014

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