

**TOWN AND COUNTRY PLANNING ACT 1990**

**TREE PRESERVATION ORDER TPO/0038/15  
LAND OF ANDERWOOD DRIVE, SWAY**

The New Forest National Park Authority, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

**Citation**

1. This Order may be cited as the TPO/0038/15 - LAND OF ANDERWOOD DRIVE, SWAY.

**Interpretation**

2. (1) In this Order "the authority" means the New Forest National Park Authority.

(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**

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 Twenty third day of November 2015

Signed on behalf of the New Forest National Park Authority



Authorised by the Authority to sign in that behalf

## SCHEDULE

### SPECIFICATION OF TREES TPO/0038/15

#### Trees specified individually

(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
T1	Oak	Situated on the front, southern boundary of 3 Anderwood Drive, Sway, as shown on plan.
T2	Oak	Situated in the rear garden of 7 Anderwood Drive, Sway, as shown on plan.
T3	Oak	Situated on the rear boundary of 29 Anderwood Drive, Sway, as shown on plan.

#### Trees specified by reference to an area

(within a dotted black line on the Plan attached to this order)

Reference on map	Description	Situation
None		

#### Groups of trees

(within a broken black line on the Plan attached to this order)

Reference on map	Description	Situation (including number of trees in the group)
G1	Oak trees x 10.	Situated adjacent to the rear boundaries of 15 - 25 Anderwood Drive, Sway, as shown on plan.

#### Woodlands

(within a continuous black line on the Plan attached to this order)

Reference on map	Description	Situation
None		



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## Tree Preservation Order Plan

Town and Country Planning Act 1990

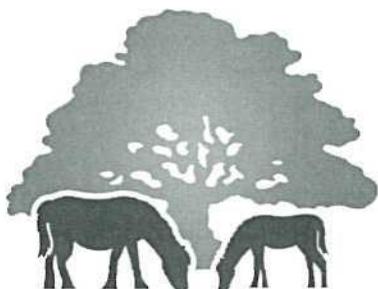
TPO Number: TPO/0038/15

Scale: 1:1500

Date Printed: 20/11/15

### Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



**NEW FOREST  
NATIONAL PARK**

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Tel: 01590 646600 Fax: 01590 646666

## HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0038/15 LAND OF ANDERWOOD DRIVE, SWAY

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed: 

An Authorised Signatory

Date: 23/11/15