

NORTH TYNESIDE COUNCIL

INTERNAL MEMORANDUM

To: See Below

From: Head of Corporate Services

Ref:

Ref: SGM/MAB/DEV.581

Date: 7 January 2000

This matter is being dealt with by:
Mr S G Mould

The Council of the Borough of North Tyneside
(Grove Cottage, Benton) Tree Preservation Order 2000
Town and Country Planning Act 1990
Town and Country Planning (Trees) Regulations 1999

I enclose, herewith, for your information, a copy of the above mentioned Tree Preservation Order which I have today served on the appropriate owners/occupiers and in this connection which is effective immediately.

MR

Circulated to:-

Head of Environment (for the attention of Mr D Mitchell)
Head of Development (for the attention of Mr M Howe)
Land Charges Section

NORTH TYNESIDE COUNCIL	
DEVELOPMENT	ENVIRONMENTAL SERVICES
10 JAN 2000	
REFER TO :	
FILE REF :	

NORTH TYNESIDE COUNCIL

INTERNAL MEMORANDUM

To: See Below

From: Head of Legal Services

Ref:

Ref: SM/MG/DEV.581

Date: 25 August 2000

This matter is being dealt with by:
Mr S Mould

The Council of the Borough of North Tyneside (Grove Cottage, Benton)
Tree Preservation Order 2000

I refer to my previous memo dated 7 January 2000 enclosing a copy of the above Tree Preservation Order made by the Council.

I hereby give you notice that in accordance with the powers confirmed upon them by Sections 198 and 201 of the Town and Country Planning Act 1990, as amended, the Council have confirmed without modification, the foregoing Order, with effect from 18 August 2000.



Circulated to:-

Head of Environment (for the attention of Mr B Cizakowski)
Head of Development (for the attention of Mr M Howe)
Land Charges Section

NORTH TYNESIDE COUNCIL
BUNCH

30 AUG 2000

TO



Eric D Nixon
Solicitor
HEAD OF CORPORATE SERVICES

14 Northumberland Square
North Shields
Tyne and Wear
NE30 1PZ

Our Ref: SGM/MAB/DEV.581

Direct Line (0191) 200 6867
Switchboard (0191) 200 5151
Fax (0191) 200 5970

Your Ref:

This matter is being dealt with
by: Mr S G Mould

Date: 7 January 2000

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE
(GROVE COTTAGE, BENTON) TREE PRESERVATION ORDER 2000
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

If you are only the occupier of this property, please inform the owner and/or any other person having

an interest in the property of the contents of this letter and enclosures.

E D NIXON
Head of Corporate Services

COUNCIL OF THE BOROUGH OF NORTH TYNESIDE

(DISTRICT PLANNING AUTHORITY)

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

TAKE NOTICE that -

- (1) the Council of the Borough of North Tyneside in exercise of their powers conferred on them by the above mentioned Act, have made an Order entitled "The Council of the Borough of North Tyneside (Grove Cottage, Benton) Tree Preservation Order 2000.
- (2) by virtue of a Direction contained in the Order that Section 201 of the Town and Country Planning Act, 1990 shall apply to it, the Order has been provisionally confirmed and comes into operation on the 10 January 2000.

A certified copy of the Order and of the map included and referred to therein will be open for inspection at the offices of the undersigned, 14 Northumberland Square, North Shields, NE30 1PZ, on weekdays (Saturdays and Public Holidays excluded) during normal office hours which are 8.30 am to 5.00 pm on Mondays to Thursdays and 8.30 am to 4.30 pm on Fridays.

The grounds on which the Council have made the Order are as follows:-

The site has been identified as containing a number of trees which are worthy of preservation due to their visual amenity to the area. It is considered that the trees because of their visual amenity to the area should be formally protected in order that they be prevented from being wilfully topped, lopped or other work being undertaken on them. It is therefore proposed that the above Tree Preservation Order be made in order that no work can be undertaken to the said trees without the consent of the Local Planning Authority, in order to protect significant trees through the development period and beyond.

Objections or representations with reference to the Order may be made in accordance with the provisions of Regulation 4 of the above mentioned Regulations (as set out on the reverse side of this Notice), and should be addressed to the Council at the address mentioned above.

If no objections or representations are made, or if any so made are withdrawn, then not less than forty two days from the date of service of this Notice, the Order may be confirmed (without modification) as an unopposed Order by the Council.

DATED this 7th day of January 2000

E D NIXON
Head of Corporate Services

14 Northumberland Square
North Shields
Tyne and Wear
NE30 1PZ

m1712sgm2/5t

THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

REGULATION 4

OBJECTIONS AND REPRESENTATIONS

1. Every objection or representation with respect to an Order shall be made in writing to the Authority, and shall state the grounds thereof, and specify the particular trees, groups of trees or woodlands in respect of which it is made.
2. An objection or representation shall be duly made if it complies with paragraph (1) of this Regulation and is received by the Authority within 28 days from the date of the service of the notice of the making of the Order.

TOWN AND COUNTRY PLANNING ACT 1990

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE

GROVE COTTAGE, BENTON

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by Sections 198 [201¹¹] and 203 of the Town and Country Planning Act 1990¹² hereby make the following Order:-

Citation

1. This Order may be cited as the Council of the Borough of North Tyneside (Grove Cottage, Benton) Tree Preservation Order 2000.

Interpretation

2. In this Order "the authority" means the Council of the Borough of North Tyneside 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 10 January 2000.

Prohibited acts in relation to trees

4. Without prejudice to sub-sections (6) and (7) of Section 198 (power to make tree preservation orders)¹³ [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,

¹¹ 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.

¹² 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 the Act*.

¹³ Sub-section (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. Sub-section (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).

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 land¹⁴ 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 1995¹⁵;
- (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 1991¹⁶;
or

¹⁴ See Section 263 of the Town and Country Planning Act 1990.

¹⁵ SI 1995/418.

¹⁶ 1991 c 59, *see Section 72*.

- (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 1989¹⁷.

5.(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 1986¹⁸;

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 1984¹⁹ 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; or

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.

Applications 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 mentioned in column (2).

7.(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

¹⁷ 1989 c 29.

¹⁸ 1986 c 31.

¹⁹ 1984 c 12.

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.
- 8.(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.
- 8.(3) A direction under paragraph (1) may include requirements as to:-
- (a) species;
 - (b) the number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the 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.
- 9.(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.
- 9.(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.
- 9.(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.

9.(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.

9.(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.

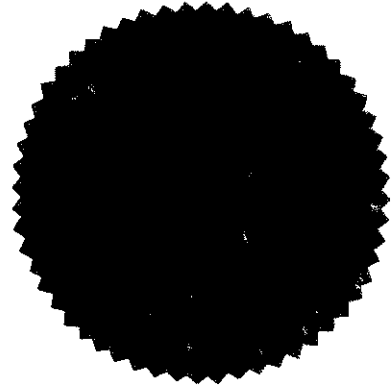
[Application to trees to be planted pursuant to a condition


9.(10) In relation to the tree(s) identified 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

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

THE COMMON SEAL of the NORTH)
TYNESIDE BOROUGH COUNCIL was)
hereunto affixed this 7th day of January 2000)
in the presence of:)




Mayor


Head of Corporate Services

SCHEDULE 1

SPECIFICATION OF TREES

The map referred to is a scale of 1:250 taken from the Ordnance Survey based on North Tyneside Council's Geographic Information System (GIS).

The area covered lies to the north of Belvedere Gardens, to the east of Ennismore Court, to the west of The Rookery and to the south of Thornhill Road, Benton.

The area is wholly in the Borough of North Tyneside.

Trees specified individually (encircled in black on the map)

Reference on Map	Description	Situation
		The following trees are measured from the south west corner of the house 'Grove Cottage' along a line projected south along the boundary wall of the garden
T1	Yew	Approximately 11.5 metres offset 0.8 metres east
T2	Holly (hybrid)	Approximately 11.5 metres offset 1.7 metres east
T3	Beech	Approximately 13.8 metres offset 3.8 metres east
T4	Yew	Approximately 15.8 metres offset 1.0 metres east
T5	Sycamore	Approximately 17.6 metres offset 12.7 metres east
T6	Yew	Approximately 18.0 metres offset 13.0 metres east
T7	Cherry	Approximately 30.1 metres offset 6.1 metres east
		The following trees are measured from the south east corner of the garden along a line projected west along the boundary wall
T8	Cherry	Approximately 0.7 metres offset 9.8 metres north
T9	Cherry	Approximately 7.6 metres offset 2.1 metres north
T10	Cherry	Approximately 9.1 metres offset 2.1 metres north
T11	Cherry	Approximately 10.5 metres offset 2.1 metres north
		The following trees are measured from the south west corner of the garden along a line projected east along the boundary wall
T12	Cherry	Approximately 3.7 metres offset 1.9 metres north
T13	Yew	Approximately 3.7 metres offset 9.2 metres north

SCHEDULE 2

PART 1

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

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In sub-section (1):-</p> <p style="padding-left: 20px;">(i) omit:-</p> <p style="padding-left: 40px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 40px;">“such” in the second place where it appears, and</p> <p style="padding-left: 40px;">“as may be so prescribed”; and</p> <p style="padding-left: 20px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In sub-section (2):-</p> <p style="padding-left: 20px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 20px;">(ii) for paragraphs (a) and (b) substitute:-</p> <p style="padding-left: 40px;">“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 40px;">(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.”.</p> <p>(c) Omit sub-section (3) and (4) (as required by Section 198(4)).</p>
Section 70 (determination of applications: general consideration)	<p>(a) In sub-section (1):-</p> <p style="padding-left: 20px;">(i) substitute:-</p> <p style="padding-left: 40px;">“Subject to sub-sections (1A) and (1B), where” for “Where”;</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 70 (determination of applications: general consideration) <i>(continued)</i></p>	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert:-</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>(iii) omit “subject to sections 91 and 92.”.</p> <p>(b) After sub-section (1) insert:-</p> <p>“(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.</p> <p>(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).”.</p> <p>(c) Omit sub-sections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In sub-section (1) substitute:-</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit sub-sections (2) and (3).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In sub-section (1) substitute:-</p> <ul style="list-style-type: none"> (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:- <ul style="list-style-type: none"> “(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,”. <p>(b) Omit sub-section (2).</p> <p>(c) In sub-section (3) for “served within such time and in such manner as may be prescribed by a development order.” Substitute:-</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of sub-section (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;

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 75 (right to appeal against planning decisions and failure to take such decisions) <i>(continued)</i></p>	<p>(b) in respect of such a failure as is mentioned in paragraph (d) of that sub-section, 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.”.</p> <p>(d) For sub-section (4), substitute:- “(4) The appellant shall serve on the authority a copy of the notice mentioned in sub-section (3).”.</p> <p>(e) For sub-section (5), substitute:- “(5) For the purposes of the application of Section 79(1), in relation to an appeal made under sub-section (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
<p>Section 79 (determination of appeals)²⁰</p>	<p>(a) In sub-sections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit sub-section (3).</p> <p>(c) In sub-section (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 (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.”.</p> <p>(d) Omit sub-sections (6) and (6A).</p> <p>(e) In sub-section (7), omit the words after “Section 78”.</p>

²⁰ Section 79 was amended by the Planning and Compensation Act 1991 (c 34), Section 18 and Schedule 7, paragraph 19.

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 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 sub-sections (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 in so far 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 applications 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,

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 sub-section (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 sub-section, 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 as mentioned in sub-section (3).

THE COMMON SEAL of the NORTH
TYNSIDE BOROUGH COUNCIL, was
hereunto affixed this 7th day of January 2000)
in the presence of:)

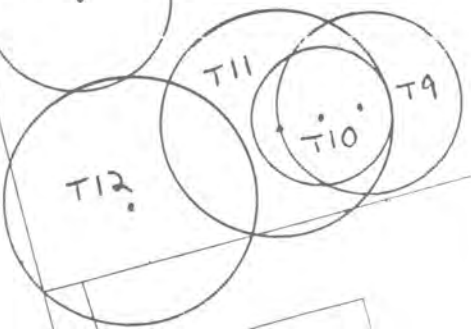
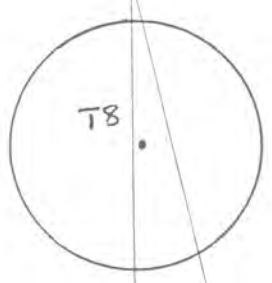
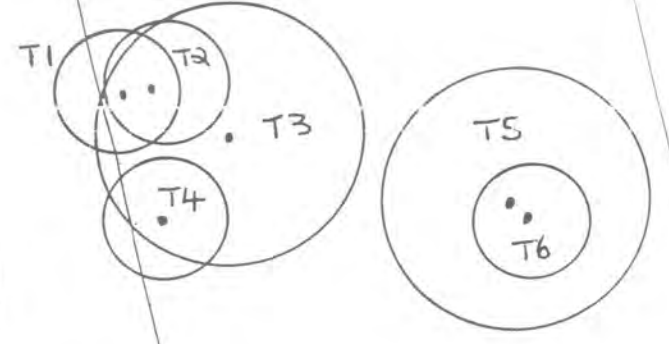
Ed Nixon
Mayor

Ed Nixon
Head of Corporate Services

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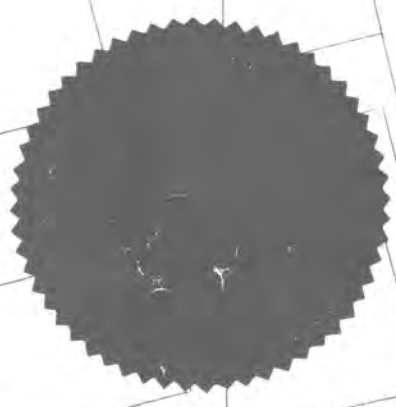


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