

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Town and Country Planning Act 1990 TREE PRESERVATION ORDER 6.2005

The COUNCIL OF THE CITY OF PETERBOROUGH in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Botolph Bridge (North), Oundle Road, Peterborough, Tree Preservation Order 6.2005

Interpretation

2. In this Order "the authority" means THE COUNCIL OF THE CITY OF PETERBOROUGH 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 the 29th day of April 2005

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)(1) [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 of the statutory undertaker and the work is necessary—

(1) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping or lopping 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 and section 15 of the Forestry Act 1967.

- (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 1995;
- (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 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 1991; or
 - (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 1989.

(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 1986),
- 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 1984 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,
- 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.

Application 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).

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

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.

(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.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) 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.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months has 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.

(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.

(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.

(5) Subsections (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.

(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.

GIVEN under the Common Seal of the

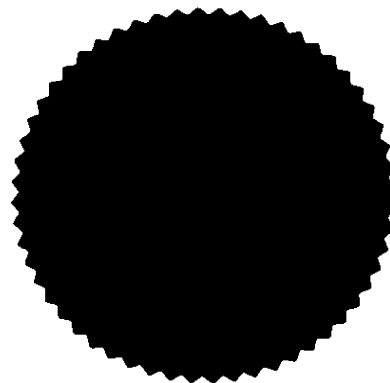
COUNCIL OF THE CITY OF PETERBOROUGH

Was hereunto affixed on the 29th day of April 2005

In the presence of:

M Farnisla

.....
AUTHORISED SIGNATORY



1208

SCHEDULE 1

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>T1</i>	<i>Beech</i>	

TREES SPECIFIED BY REFERENCES TO AN AREA

(within a dotted black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>None</i>		

GROUPS OF TREES

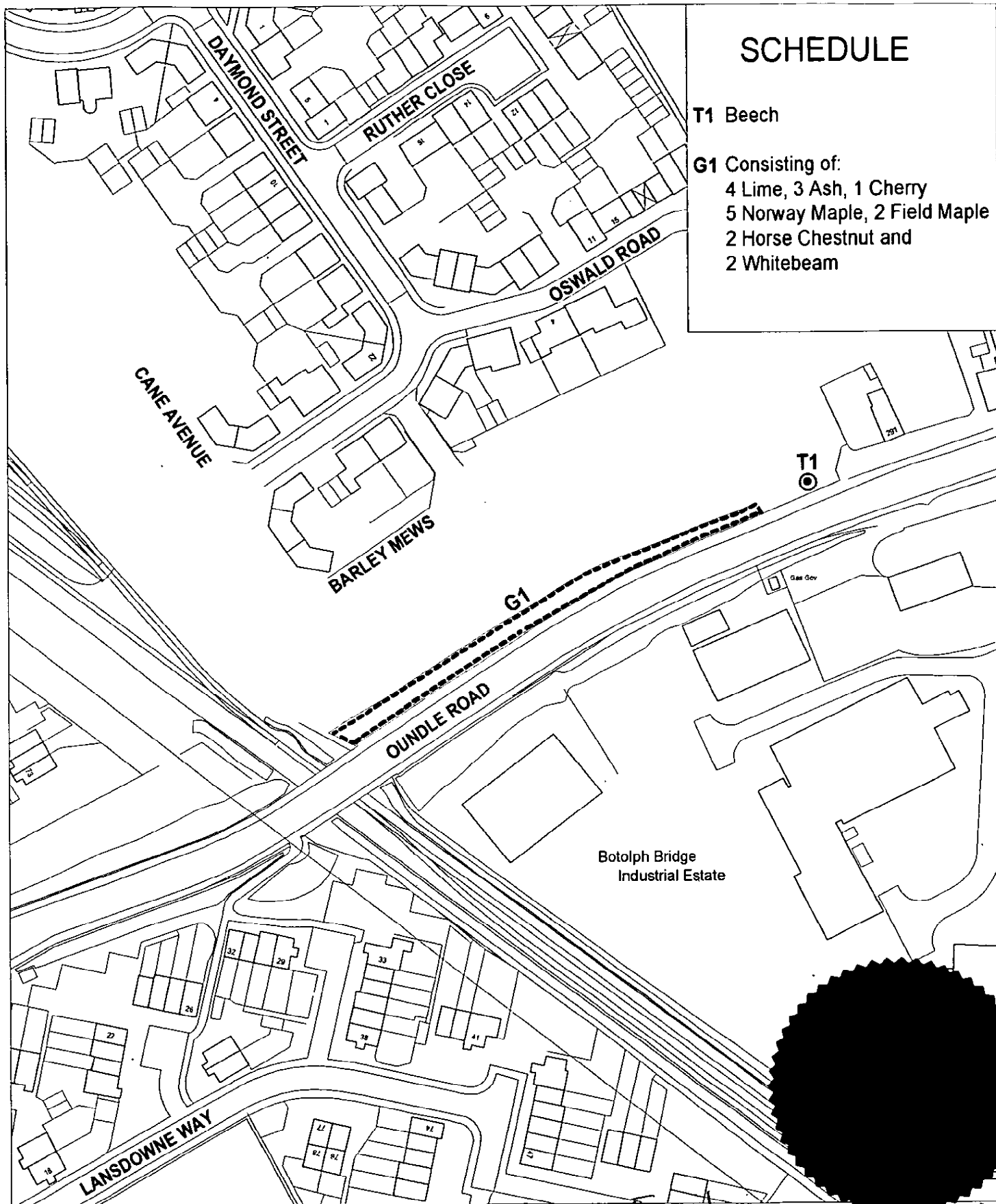
(within a broken black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>G1</i>	<i>Consisting of : 4 Lime, 3 Ash, 1 Cherry, 5 Norway Maple, 2 Field Maple, 2 Horse Chestnut and 2 Whitebeam</i>	

WOODLANDS

(within a continuous black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>None</i>		



SCHEDULE

T1 Beech

G1 Consisting of:
 4 Lime, 3 Ash, 1 Cherry
 5 Norway Maple, 2 Field Maple
 2 Horse Chestnut and
 2 Whitebeam

TREE PRESERVATION ORDER 6/2005

Botolph Bridge (North), Oundle Road, Peterborough



PETERBOROUGH



CITY COUNCIL

Scale 1:1250

Drg. no. P:\GIS\SPLSER\TPO05\TPO6-05

Date 22nd April 2005

Name ST

Department Planning Services

PCC GIS

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SCHEDULE 2

PART I

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 subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">(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: 80px;">(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 subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</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)”; and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (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 subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (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 subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p>

<p>and failure to take such decisions)</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 subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—</p> <p style="padding-left: 40px;">"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 subsection (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 subsection, 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>(d) For subsection (4), substitute—</p> <p style="padding-left: 40px;">"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p>
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	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> (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 sections 65 or 71.”. <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

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 each 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 subsections (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) enure 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 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,

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 subsection (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 subsection, 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 mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

Section 79

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.

**PETERBOROUGH CITY COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

**Tree Preservation Order No 6_2005
relating to Botolph Bride (North), Oundle Road, Peterborough**

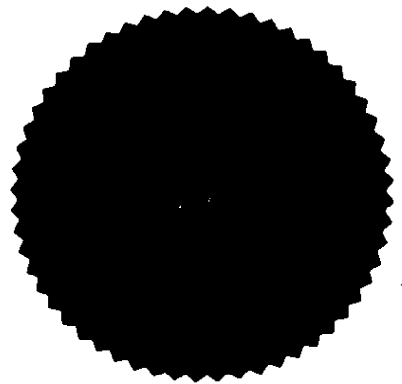
Dated 29th April 2005

This Order is hereby confirmed as an unopposed Order
on the 30th day of June 2005

The Common Seal of the Council
of the City of Peterborough was
hereunto affixed in the presence of

McFarlane

.....
AUTHORISED SIGNATORY



1401

Land Registry
Land Registration Rules 2003

Certificate Date: 25 APR 2005
Certificate Time: 00.00.01
Certificate Ref: 017/X92UTDB

SIMR

26 APR 2005

FOR ATTENTION

Page

1

Property

Land edged red on the plan attached to the application and described in form SIM as LAND AT, OUNDLE ROAD, PETERBOROUGH.

Result

The index map has been searched in respect of the Property with the following result:

Plan reference	Title No.	Registered Estate or Caution	Notes
Not Applicable	CB182288	Freehold	
Not Applicable	CB271805	Freehold	
Not Applicable	CB284965	Leasehold	
Not Applicable	CB286724	Leasehold	
Not Applicable	CB293393		Pending transfer of part

No other registered estate, caution against first registration, application for first registration or application for a caution against first registration is shown on the index map in relation to the Property.

END OF RESULT.

TD

Your Reference:
TPO

Key Number:
4492652

Any enquiries concerning this certificate to be
addressed to: CITY OF P' BORO

PETERBOROUGH CITY COUNCIL
PLANNING CONTROL & ENFORCEMENT SECT
BRIDGE HOUSE
TOWN BRIDGE
PETERBOROUGH
PE1 1HB

PETERBOROUGH DLR
TOUTHILL CLOSE
CITY ROAD
PETERBOROUGH
PE1 1XN

Tel. No: (01733) 288288

PETERBOROUGH CITY COUNCIL
PLANNING CONTROL & ENFORCEMENT SECT
BRIDGE HOUSE
TOWN BRIDGE
PETERBOROUGH
PE1 1HB



Title Number : CB182288

This title is dealt with by Land Registry, Peterborough Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy.

This extract shows information current on 28 APR 2005 at 21:10:24 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	:	Sorry, the extract could not be prepared for this title
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Address of Property	:	
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Price Stated	:	
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Registered Owner(s)	:	
---------------------	---	--

Lender(s)	:	
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This is a copy of the register of the title number set out immediately below, showing the entries in the register on 28 APR 2005 at 21:10:24. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

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TITLE NUMBER : CB182288
A PROPERTY REGISTER

This register describes the land and estate comprised in the title.

CITY OF PETERBOROUGH

- 1 (03.02.1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Cross Keys Public House, Oundle Road, Woodston, (PE2 9QA).

END OF A REGISTER

TITLE NUMBER : CB182288
B PROPRIETORSHIP REGISTER

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

TITLE ABSOLUTE

- 1 (07.05.1999) PROPRIETOR: #UNIQUE PUB PROPERTIES LIMITED#
(Co.Regn.No.3726292) of Mill House, Aylesbury Road, Thame, Oxon, OX9 3AT.
- 2 (07.05.1999) A Transfer dated 30 March 1999 made between (1) 1406 Pub Company Limited and (2) Unique Pub Properties Limited contains Purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

TITLE NUMBER : CB182288
SCHEDULE OF PERSONAL COVENANTS

- 1 The following are details of the personal covenants contained in the Transfer dated 30 March 1999 referred to in the Proprietorship Register:-

With the object of giving the Transferor a complete indemnity but not for any other purpose, the Transferee covenants with the Transferor as from the date of this Transfer to observe and perform the covenants, conditions, stipulations, restrictions and other matters referred to in the Property and Charges Registers of each of the Registered Titles and to indemnify and keep the Transferor indemnified from and against all proceedings, costs, claims and expenses on account of any future breach, non-observance or non-performance thereof.

NOTE:-The land in this title comprises one of the registered titles referred to.

END OF REGISTER

NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.

Title Number : CB271805

This title is dealt with by Land Registry, Peterborough Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

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REGISTER EXTRACT

Title Number	:	Sorry, the extract could not be prepared for this title
Address of Property	:	
Price Stated	:	
Registered Owner(s)	:	
Lender(s)	:	

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 28 APR 2005 at 21:16:32. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

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TITLE NUMBER : CB271805
A PROPERTY REGISTER

This register describes the land and estate comprised in the title.

CITY OF PETERBOROUGH

- 1 (10.04.1991) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Riverside Local Centre, Oundle Road, Peterborough.
- 2 The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 10 April 2003 referred to in the Charges Register.
- 3 The Transfer dated 10 April 2003 referred to above contains a provision as to light or air and other matters and a provision excluding the operation of Rule 251 of the Land Registration Rules 1925 as therein mentioned.
- 4 (22.10.2003) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 5 (20.08.2004) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 6 (28.10.2004) The land tinted pink on the title plan has the benefit of the rights granted by but is subject to the rights reserved by a Transfer thereof dated 29 September 2004 made between (1) British Sugar PLC (Transferor) and (2) Albemarle 4 LLP (Transferee) which rights are identical with those granted and reserved by the Transfer dated 10 April 2003 referred to above.
- 7 (28.10.2004) The Transfer dated 29 September 2004 referred to above contains the following provision:-

"Save as hereby expressly granted or referred to the Transferee and owner and occupiers for the time being of the Property are not and shall not become entitled to any rights easements quasi-easements or right of light and air or either of them over or in respect of the British Sugar Land."

NOTE: The British Sugar Land referred to comprises titles CB132824 and CB233311 adjoining the southern boundary of the land in this title.

END OF A REGISTER

TITLE NUMBER : CB271805
B PROPRIETORSHIP REGISTER

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

TITLE ABSOLUTE

- 1 (28.10.2004) PROPRIETOR: #INVESCO PIT LIMITED#(Incorporated in Jersey) of PO Box 381, 2-6, Church Street, St. Helier, Jersey JE4 9ZF and 10, Mount Row, London W1K 3SD.
- 2 (28.10.2004) The price stated to have been paid on 29 September 2004 was £5,700,000.
- 3 (28.10.2004) A Transfer of the land in this title dated 29 September 2004 made between (1) Albemarle 4 Limited Liability Partnership and (2) Invesco Pit Limited contains Purchasers' personal covenants.

-NOTE: Copy filed.
- 4 (28.10.2004) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 29 September 2004 in favour of The Royal Bank Of Scotland International Limited referred to in the Charges Register.

END OF B REGISTER

TITLE NUMBER : CB271805
C CHARGES REGISTER

This register contains any charges and other matters that affect the land.

- 1 (30.04.2003) A Transfer of the land in this title dated 10 April 2003 made between (1) British Sugar PLC and (2) Albemarle 4 Limited Liability Partnership contains restrictive covenants.

-NOTE: Copy in Certificate.

- 2 (13.05.2003) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned. In addition, one of the leases grants the exclusive right to use the trolley bay as more particularly described in the Schedule of Leases.

NOTE: Each lease is referenced by edging and numbering in blue on the title plan unless otherwise stated in the schedule of leases.

- 3 (10.07.2003) Option to purchase the land edged and numbered 5 in blue on the title plan in favour of Henry Davidson Developments Limited contained in an Agreement dated 18 June 2003 and exercisable within a period of 21 years from 18 June 2003.

-NOTE: Copy filed.

- 4 (31.03.2004) The land is subject to the rights granted by a Transfer of the land edged and numbered CB282161 in green on the Title plan dated 23 March 2004 made between (1) Albemarle 4 Limited Liability Partnership and (2) EDF Energy Networks (EPN) Plc.

The said transfer also contains restrictive covenants by the transferor.

-NOTE: Copy filed under CB282161.

- 5 (28.10.2004) REGISTERED CHARGE affecting also other titles dated 29 September 2004.

Note:Charge Reference SF101697.

- 6 (28.10.2004) Proprietor: #THE ROYAL BANK OF SCOTLAND INTERNATIONAL LIMITED# of PO Box 64, 71, Bath Street, St. Helier, Jersey

- 7 (28.10.2004) The proprietor of the Charge dated 29 September 2004 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.

TITLE NUMBER : CB271805
SCHEDULE OF NOTICES OF LEASES

- | | | | | |
|---|----------------|------------------------------|----------------|----------|
| 1 | 13.5.2003 | first and second floor flats | 10.4.2003 | CB272143 |
| | 1 (part of), | with ground floor accessways | 200 years from | |
| | 2, 3, 10 (part | and parking spaces | 10.4.2003 | |
| | of), 11 (part | | | |
| | of), 13 (part | | | |
| | of), 14 (part | | | |
| | of), 15 (part | | | |
| | of) | | | |
| 2 | 15.5.2003 | Unit 1 (ground and first | 24.4.2003 | CB272241 |
| | 4, 12 (part | floors only) | 999 years from | |
| | of) | | 24.4.2003 | |

3	09.12.2003 6, 12 (part of)	Unit 2 (ground floor only)	01.09.2003 999 years from 01.09.2003	CB278524
4	26.05.2004 13 (part of)	Unit 7 (Ground floor only)	14.05.2004 15 years from 25.03.2004	CB283913
5	28.5.2004 7	Unit 8 Riverside Local Centre	26.4.2004 15 years from 25.3.2004	CB283992
6	16.06.2004 14 (part of)	Unit 6 Riverside Local Centre (ground floor)	21.04.2004 25 years from 25.03.2004	CB284512
7	25.6.2003 8, 11 (part of)	Unit 4 Riverside Local Centre	24.5.2004 25 years from 25.12.2003	CB284965

NOTE : This lease grants the exclusive right to use the trolley bay numbered 9 in brown on the title plan.

8	15.7.2004 10 (part of)	Unit 5 Riverside Local Centre 9 (ground floor)	21.4.2004 25 years from 25.3.2004	CB285457
9	20.8.2004 edged and numbered 16 and 17 in blue	Unit 3 Riverside Local Centre	2.7.2004 25 years from 25.3.2004	CB286724

END OF REGISTER

NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Town and Country Planning Act 1990 TREE PRESERVATION ORDER 6.2005

The COUNCIL OF THE CITY OF PETERBOROUGH in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Botolph Bridge (North), Oundle Road, Peterborough, Tree Preservation Order 6.2005

Interpretation

2. In this Order "the authority" means THE COUNCIL OF THE CITY OF PETERBOROUGH 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 the 29th day of April 2005

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)(1) [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 of the statutory undertaker and the work is necessary—

(1) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping or lopping 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 and section 15 of the Forestry Act 1967.

- (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 1995;
- (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 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 1991; or
 - (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 1989.

(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 1986),
- 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 1984 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,
- 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.

Application 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).

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

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.

(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.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) 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.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months has 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.

(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.

(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.

(5) Subsections (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.

(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.

GIVEN under the Common Seal of the

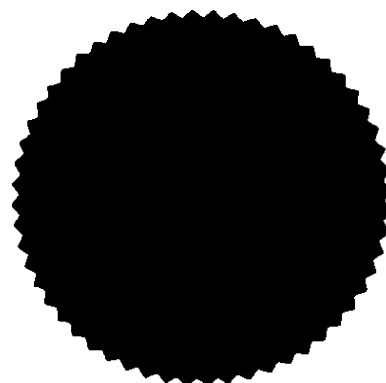
COUNCIL OF THE CITY OF PETERBOROUGH

Was hereunto affixed on the 29th day of April 2005

In the presence of:

M Farnisla

.....
AUTHORISED SIGNATORY



1208

SCHEDULE 1

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>T1</i>	<i>Beech</i>	

TREES SPECIFIED BY REFERENCES TO AN AREA

(within a dotted black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>None</i>		

GROUPS OF TREES

(within a broken black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>G1</i>	<i>Consisting of : 4 Lime, 3 Ash, 1 Cherry, 5 Norway Maple, 2 Field Maple, 2 Horse Chestnut and 2 Whitebeam</i>	

WOODLANDS

(within a continuous black line on the map)

<i>Reference No. on Map</i>	<i>Description.</i>	<i>Situation.</i>
<i>None</i>		

SCHEDULE 2

PART I

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 subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">(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: 80px;">(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 subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</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)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (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 subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (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 subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p>

<p>and failure to take such decisions)</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 subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—</p> <p style="padding-left: 40px;">"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 subsection (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 subsection, 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>(d) For subsection (4), substitute—</p> <p style="padding-left: 40px;">"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p>
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	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> (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 sections 65 or 71.”. <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>