

**THIS NOTICE AFFECTS YOUR PROPERTY**

**THE TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)  
(ENGLAND) REGULATIONS 2012**

**THE DARLINGTON BOROUGH COUNCIL  
NO. 5 TREE PRESERVATION ORDER 2023  
(Land at Flamingo Close, Darlington)**

**NOTICE IS HEREBY GIVEN** that Darlington Borough Council has made the Darlington Borough Council No.5 Tree Preservation Order 2023 in respect of a tree situated within land at Flamingo Close, Darlington.

The grounds for making the order are as follows:

1. The tree was inspected and found to be in a healthy condition at the time of inspection and because of its high visibility from a public place is considered to make a significant contribution to the visual amenity of the locality.
2. The tree is considered worthy of protection.
3. It is considered desirable, in the interest of the visual amenity of the area, for the Local Planning Authority to obtain control over the felling or pruning of the tree.

If you would like copies of the documents please phone 01325 405494 or email [andrew.roote@darlington.gov.uk](mailto:andrew.roote@darlington.gov.uk) Objections and representations with respect to the Order may be made to the Assistant Director - Law and Governance, Town Hall, Darlington DL1 5QT (Ref: AR) or by email to [andrew.roote@darlington.gov.uk](mailto:andrew.roote@darlington.gov.uk) by the 22<sup>nd</sup> May 2023. The documents can also be viewed on the Darlington Borough Council website - <https://www.darlington.gov.uk/environment-and-planning/planning/development-management/tree-preservation-orders/>

Such objections or representations should comply with Article 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which states that:-

**6.—(1) Subject to paragraph 2 objections and representations—**

**(a) shall be made in writing and—**

**(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c) or**

**(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;**

**(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and**

**(c) in the case of an objection, shall state the reasons for the objection.**

**(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.**

The Order contains a direction under Section 201 of the Town and Country Planning Act 1990. This means that the Order has come into immediate effect. After 6 months it will cease to have effect unless the Council has in the meantime confirmed it as a Permanent Order.

Dated 20<sup>th</sup> April 2023

Luke Swinhoe,  
Assistant Director  
Law and Governance  
Darlington Borough Council

**Town and Country Planning Act 1990**  
**Darlington Borough Council Tree Preservation Order No. 5 2023**  
**(Land at Flamingo Close, Darlington)**

Darlington Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. – This Order may be cited as Darlington Borough Council Tree Preservation Order No. 5 2023 (Land at Flamingo Close, Darlington)

**Interpretation**

2.— (1) In this Order “the authority” means the Darlington Borough Council  
(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,

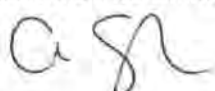
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**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 20<sup>th</sup> day of April 2023

THE COMMON SEAL of  
DARLINGTON BOROUGH COUNCIL  
was hereunto affixed in the presence of:



Authorised Signatory



1964p.

[CONFIRMATION OF ORDER

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

OR

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

[Signed on behalf of the Darlington Borough Council

.....

Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by *[insert name of Council]* on the [ ] day of *[insert month and year]*]

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the *[insert name of Council]* on the [ ] day of *[insert month and year]* by a variation order under reference number *[insert reference number to the variation order]* a copy of which is attached]

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]

[REVOCACTION OF ORDER

[This Order was revoked by the *[insert name of Council]* on the [ ] day of *[insert month and year]*]

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]





**TREE PRESERVATION ORDER (No. 5) ORDER 2023**

Land At Flamingo Close  
 Flamingo Close  
 Darlington



Scale 1:1,000  
 Date 14/04/2023  
 Drawn PB  
 Drg. No. TP/2023/5



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**SCHEDULE**  
**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	<b>Mature Silver Maple (<i>Acer saccharinum</i>)</b>	<b>Land at Flamingo Close Darlington</b>

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

**Groups of trees**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

**Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>