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**Town and Country Planning Act 1990**  
**Town and Country Planning (Trees) Regulations 1999**

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To:

Mr S Watkins  
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**Notice of Confirmation of Tree Preservation Order**

**NOTICE IS HEREBY GIVEN** that the **VALE OF GLAMORGAN COUNCIL** in pursuance of their powers as Local Planning Authority under the Town and Country Planning Act 1990 have on the 21<sup>st</sup> day of June 2019 confirmed without modification the Tree Preservation Order made by the said Council on the 16<sup>th</sup> day of April 2019 namely:

**The Vale of Glamorgan Council Tree Preservation Order No 4 2019 relating to T1 Lime, T2 Lime, T3 Lime and T4 Yew at the Former Grammar School Site, Aberthin Road, Cowbridge, Vale of Glamorgan**

Any application to the High Court to challenge the validity of the Order is to be made within 6 weeks of the date of confirmation of the Order and may be made on the grounds that:

- (i) the Order was able to be made within the powers of the Town and Country Planning Act 1990; or
  - (ii) that any of the relevant requirements have not been complied with in relation to the Order;
- in accordance with the provisions of s.284 and s.288 of the Town and Country Planning Act 1990

Dated: [ 21<sup>st</sup> June 2019 ]



**JAMES DOCHERTY, PRINCIPAL LAWYER**  
**For OPERATIONAL MANAGER – LEGAL SERVICES**

**284.— Validity of development plans and certain orders, decisions and directions.**

(1) Except in so far as may be provided by this Part, the validity of—

(b) a simplified planning zone scheme or an alteration of such a scheme, whether before or after the adoption or approval of the scheme or alteration; or

(c) an order under any provision of Part X except section 251(1), whether before or after the order has been made; or

(d) an order under section 277, whether before or after the order has been made; or

(e) any such order as is mentioned in subsection (2), whether before or after it has been confirmed; or

(f) any such action on the part of the Secretary of State or the Welsh Ministers <sup>2</sup> as is mentioned in subsection (3), or

(g) a relevant costs order made in connection with an order mentioned in subsection (2) or an action mentioned in subsection (3),

shall not be questioned in any legal proceedings whatsoever.

(2) The orders referred to in subsection (1)(e) are—

(a) any order under section 97 or under the provisions of that section as applied by or under any other provision of this Act;

(b) any order under section 102;

(c) any tree preservation order;

(d) any order made in pursuance of section 221(5);

(e) any order under paragraph 1, 3, 5 or 6 of Schedule 9.

(3) The action referred to in subsection (1)(f) is action on the part of the Secretary of State or the Welsh Ministers of any of the following descriptions—

(ya) any decision on an application made to the Secretary of State under section 62A;

(za) any decision on an application referred to the Secretary of State under section 76A;

(a) any decision on an application for planning permission referred to the Secretary of State or the Welsh Ministers under section 77;

(aa) any decision on an application made to the Welsh Ministers under section 62D;

(ab) any decision on a secondary consent dealt with by the Welsh Ministers under section 62F, unless, by virtue of an enactment not contained in this Act—

(i) an appeal against that decision may be made to a person other than the Welsh Ministers, or

(ii) the validity of the decision may otherwise be questioned by way of application to a person other than the Welsh Ministers;

(ac) any decision on an application made to the Welsh Ministers under section 62M or section 62O (not including a decision to refer an application under section 62O(5));

- (b) any decision on an appeal under section 78;
- (d) any decision to confirm a completion notice under section 95;
- (e) any decision to grant planning permission under paragraph (a) of section 177(1) or to discharge a condition or limitation under paragraph (b) of that section;
- (f) any decision to confirm or not to confirm a purchase notice including—
  - (i) any decision not to confirm such a notice in respect of part of the land to which it relates, or
  - (ii) any decision to grant any permission, or give any direction, instead of confirming such a notice, either wholly or in part;
- (g) any decision on an appeal under section 195(1);
- (h) any decision relating—
  - (i) to an application for consent under a tree preservation order,
  - (ii) to an application for consent under any regulations made in accordance with section 220 or 221, or
  - (iii) to any certificate or direction under any such order or regulations,
 whether it is a decision on appeal or a decision on an application referred to the Secretary of State or the Welsh Ministers for determination in the first instance;
- (i) any decision on an application for planning permission or permission in principle under section 293A.

(3A) In this section, “*relevant costs order*” means an order made under section 250(5) of the Local Government Act 1972 (orders as to costs of parties), as applied by virtue of any provision of this Act.

(4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State or the Welsh Ministers to take any such action as is mentioned in subsection (3).

**288.— Proceedings for questioning the validity of other orders, decisions and directions.**

- (1) If any person—
  - (a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds—
    - (i) that the order is not within the powers of this Act, or
    - (ii) that any of the relevant requirements have not been complied with in relation to that order; or
  - (b) is aggrieved by any action on the part of the Secretary of State or the Welsh Ministers to which this section applies and wishes to question the validity of that action on the grounds—
    - (i) that the action is not within the powers of this Act, or
    - (ii) that any of the relevant requirements have not been complied with in relation to that

action,

he may make an application to the High Court under this section.

(1A) If a person is aggrieved by a relevant costs order made in connection with an order or action to which this section applies and wishes to question its validity, the person may make an application to the High Court under this section (whether or not as part of an application made by virtue of subsection (1)) on the grounds—

- (a) that the relevant costs order is not within the powers of this Act, or
- (b) that any of the relevant requirements have not been complied with in relation to the order.

(2) Without prejudice to subsection (1) or (1A), if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State or the Welsh Ministers to which this section applies, or with any relevant costs order, wish to question the validity of that order or action on any of the grounds mentioned in subsection (1) or (1A) (as the case may be), the authority may make an application to the High Court under this section.

(4) This section applies to any such order as is mentioned in subsection (2) of section 284 and to any such action on the part of the Secretary of State or the Welsh Ministers as is mentioned in subsection (3) of that section.

(4A) An application under this section may not be made without the leave of the High Court.

(4B) An application for leave for the purposes of subsection (4A) must be made before the end of the period of six weeks beginning with the day after—

- (a) in the case of an application relating to an order under section 97 that takes effect under section 99 without confirmation, the date on which the order takes effect;
- (b) in the case of an application relating to any other order to which this section applies, the date on which the order is confirmed;
- (c) in the case of an application relating to an action to which this section applies, the date on which the action is taken;
- (d) in the case of an application relating to a relevant costs order, the date on which the order is made.

(4C) When considering whether to grant leave for the purposes of subsection (4A), the High Court may, subject to subsection (6), make an interim order suspending the operation of any order or action the validity of which the person or authority concerned wishes to question, until the final determination of—

- (a) the question of whether leave should be granted, or
- (b) where leave is granted, the proceedings on any application under this section made with such leave.

(5) On any application under this section the High Court—

- (a) may, subject to subsection (6), by interim order suspend the operation of any order or action, the validity of which is questioned by the application, until the final determination of the proceedings;
- (b) if satisfied that any such order or action is not within the powers of this Act, or that the

interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.

(6) The High Court may not suspend a tree preservation order under subsection (4C) or (5)(a).

(7) In relation to a tree preservation order, or to an order made in pursuance of section 221(5), the powers conferred on the High Court by subsection (4C) or (5) shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(8) References in this section to the confirmation of an order include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

(9) In this section—

*“relevant costs order”* has the same meaning as in section 284;

*“the relevant requirements”* —

(a) in relation to any order or action to which this section applies, means any requirements of this Act or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either of those Acts, which are applicable to that order or action;

(b) in relation to a relevant costs order, means any requirements of this Act, of the Local Government Act 1972 or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under any of those Acts, which are applicable to the relevant costs order.

(10) Any reference in this section to the authority directly concerned with any order or action to which this section applies—

(a) in relation to any such decision as is mentioned in section 284(3)(f), is a reference to the council on whom the notice in question was served and, in a case where the Secretary of State has modified or the Welsh Ministers have modified such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers;

(b) in any other case, is a reference to the authority who made the order in question or made the decision or served the notice to which the proceedings in question relate, or who referred the matter to the Secretary of State or the Welsh Ministers, or, where the order or notice in question was made or served by the Secretary of State or the Welsh Ministers, the authority named in the order or notice.

(11) References in this Act to an application under this section do not include an application for leave for the purposes of subsection (4A).