

THE COUNTY BOROUGH OF WARRINGTON
TOWN AND COUNTRY PLANNING ACTS 1962 and 1968
and THE CIVIC AMENITIES ACT 1967

TAKE NOTICE that by a resolution dated the 7th day of October 1969 the Warrington County Borough Council determined to make an order for the preservation of certain trees in the Orford Green area

1. This Order may be cited as The County Borough of Warrington Tree Preservation Order (No.1) 1969

2. The Council have made this Order on the grounds that it is expedient in the interest of amenity that the trees specified in the First Schedule to the Order should be preserved from destruction or damage.

3. Copies of the Order and Map have been deposited at the following places and may be inspected during the hours indicated:-

THE TOWN HALL, WARRINGTON -	9.00 a.m. to 5.00 p.m.
ORFORD BRANCH LIBRARY - POPLARS AVENUE - ORFORD, WARRINGTON	10.00 a.m. to 12.30 p.m. 2.00 p.m. to 5.00 p.m.
THE SUB-POST OFFICE, 125 POPLARS AVENUE - ORFORD, WARRINGTON	10.00 a.m. to 4.00 p.m.

4. Objections or representations in respect of this Order must be made in accordance with Regulation 7 of the Town and Country Planning (Tree Preservation Order) Regulations 1969 which provides as follows:-

7 - (1) Every objection or representation with respect to an Order shall be made in writing to the Minister, and shall state the grounds thereof and the name of the authority who made the order, 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 Minister within 28 days from the date of the service of the notice of the making of the Order.

For the purpose of the above regulation objections or representations should be addressed to The Secretary, The Ministry of Housing and Local Government, Whitehall, London S.W.1. to arrive before the 2nd day of March 1970


5. If no such objections or representations are made or if any so made are withdrawn then not less than forty-two days from the date of service of this notice this Order will be confirmed by the Council as an unopposed Order.

6. Pursuant to powers contained in Section 16 of the Civic Amenities Act 1967 the Council have declared that this Order shall take effect on the 30th day of January 1970. This Section provides ^{es} that an Order will take effect provisionally on the date specified therein and will continue in force until either-

(a) the expiration of a period of six months from the date when the Order is made, or

(b) the date on which the Order is confirmed, whichever first occurs.

DATED this 30th day of January, 1970


TOWN CLERK.

THE TOWN AND COUNTRY PLANNING ACTS 1962 and 1968
and the CIVIC AMENITIES ACT 1967

THE COUNTY BOROUGH OF WARRINGTON TREE PRESERVATION
ORDER (NO.1) 1969

The Council of the County Borough of Warrington (hereinafter referred to as "the Authority") in pursuance of the powers conferred in that behalf by section 29 of the Town and Country Planning Act 1962 and section 16 of the Civic Amenities Act 1967 and subject to the provisions of the Forestry Act 1967, hereby make the following order

1. In this Order -

"the Act" means the Town and Country Planning Act 1962.

"the Minister" means the Minister of Housing and Local Government.

"Owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; Lessee (including a sub-leasee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto the position of which trees is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. - (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of trees and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied -

(a) that the refusal or condition is in the interests of good forestry, or

(b) that the trees have an outstanding or special amenity value.

6. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act and of section 80 of the Town and Country Planning Act 1968 adapted and modified for the purposes of this Order, shall apply in relation thereto.

7. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

8. In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under section 29 of the Act, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

9. - (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the Town Hall, Warrington, addressed to the Town Clerk or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

10. Any question of disputed compensation shall be determined in accordance with the provisions of section 128 of the Act.

11. The provisions of section 16 of the Civic Amenities Act 1967 shall apply to this Order and the Order shall take effect on the 30th day of January 1970

12. Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of section 62 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued. Under sections 13, 14 and 15 of the Civic Amenities Act 1967 if a tree is wilfully cut down or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £250 or twice the value of the tree whichever is the greater. If any tree which is the subject of this Order is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement, to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

FIRST SCHEDULE

Trees Specified Individually

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
1	Beech	"Rose Brae" Orford Green
2	Beech	"Rose Brae" Orford Green
3	Sycamore	No. 1 Vale Owen Road
4	Beech	Orford Green Farm
5	Oak	Grounds of St. Margaret's Vicarage
6	Oak	Grounds of St. Margaret's Vicarage
7	Thorn	Grounds of St. Margaret's Vicarage
8	Lime	Grounds of St. Margaret's Vicarage
9	Sycamore	Orford Green
10	Sycamore	Orford Green
11	Sycamore	Orford Green
12	Sycamore	Orford Green
13	Sycamore Lime	Grounds of St. Margaret's Vicarage
14	Lime	Grounds of St. Margaret's Vicarage
15	Lime	Orford Green
16	Sycamore	Orford Green
17	Lime	Orford Green
18	Lime	Grounds of St. Margaret's Vicarage
19	Birch	Grounds of St. Margaret's Church
20	Lime	Orford Green
21	Lime	Grounds of St. Margaret's Church
22	Lime	Orford Green
23	Ailanthus	Grounds of St. Margaret's Church
24	Cherry	Grounds of St. Margaret's Church
25	Ailanthus	Grounds of St. Margaret's Church
26	Lime	Orford Green
27	Sycamore	Orford Green
28	Sycamore	Hallfields Road
29	Horse Chestnut	Grounds of St. Margaret's Church
30	Thorn	Grounds of St. Margaret's Church
31	Horse Chestnut	Grounds of St. Margaret's Church
32	Elm	Grounds of St. Margaret's Church
33	Thorn	Grounds of St. Margaret's Church
34	Birch Beech	Grounds of St. Margaret's Church
35	Birch	105 Hallfields Road
36	Birch	105 Hallfields Road
37	Beech	105 Hallfields Road
38	Beech	Grounds of St. Margaret's Church
39	Birch	Grounds of St. Margaret's Church
40	Lime	Grounds of St. Margaret's Church
41	Birch	Grounds of St. Margaret's Church
42	Birch	Grounds of St. Margaret's Church
43	Birch Cherry	Grounds of St. Margaret's Vicarage

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
44	Sycamore Lime	Grounds of St. Margaret's Vicarage
45	Beech	Grounds of St. Margaret's Vicarage
46	Birch	Grounds of St. Margaret's Vicarage
47	Sycamore	Orford Green Farm
48	Sycamore	Orford Green Farm
49	Sycamore	Orford Green Farm
50	Sycamore	Orford Green Farm
51	Sycamore	37 Orford Green
52	Sycamore	37 Orford Green
53	Sycamore	37 Orford Green
54	Ash	37 Orford Green
55	Sycamore	37 Orford Green
56	Sycamore	37 Orford Green
57	Sycamore	39 Orford Green
58	Sycamore	39 Orford Green
59	Sycamore	39 Orford Green
60	Sycamore	39 Orford Green
61	Poplar	37 Orford Green
62	Sycamore	39 Orford Green
63	Horse Chestnut	37 Orford Green
64	Poplar	37 Orford Green
65	Poplar	37 Orford Green
66	Sycamore	37 Orford Green
67	Sycamore	37 Orford Green
68	Poplar	35 Orford Green

Trees specified by reference to an Area

NONE

Groups of Trees

NONE

Woodlands

NONE

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

- (1) The cutting down, topping or lopping of a tree exempted from the provisions of this Order by section 29 (7) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is 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.
- (2) The cutting down, topping or lopping of a tree
- (a) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;
- (b) by or at the request of
- (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
- (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;
- (iii) a river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, where the tree interferes or would interfere with the exercise of any of the functions of such river authority or drainage board, in relation to the maintenance, improvement or construction of water courses or of drainage works; or
- (iv) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of (a) Part III of the Town and Country Planning Act 1962 and (b) section 80 of the Town and Country Planning Act 1968 as adapted and modified to apply to this Order.

Section (a) Part III of the Town and Country Planning Act 1962

21. - (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested therein.

22. - (1) The Minister may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

22. - (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

22. - (3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22. - (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22. - (5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

22. - (6) The decision of the Minister on any application referred to him under this section shall be final.

23. - (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

23. - (2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23. - (4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23. - (5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

23. - (7) The decision of the Minister on any appeal under this section shall be final.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the

Minister in accordance with directions given under section 22 above; the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27. - (1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

27. - (2) Subject to the provisions of section 16 of the Civic Amenities Act 1967 and section 80 of the Town and Country Planning Act 1968 an Order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

27. - (3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27. - (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

27. - (5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

(b) Town and Country Planning Act 1968

Section

80. - (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 27 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

80. - (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

80. - (3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

80. - (4) The authority shall send a copy of any advertisement published under subsection (2) above to the Minister, not more than three days after the publication.

80. - (5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by section 27 (2) of the Town and Country Planning Act 1962.

80. - (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part III or Part IV of the Town and Country Planning Act 1962 or under Part II or Part V of the Town and Country Planning Act 1968.

The Common Seal of ~~THE~~ MAYOR
ALDERMEN AND BURGESSES OF THE
COUNTY BOROUGH OF WARRINGTON
was hereunto affixed this 30th
day of January 1970
in the presence of:-


Town Clerk,
1968



Warrington Tree Preservation Order No.1 1969

