

(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 Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State 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 Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

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

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

(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 Secretary of State as aforesaid and the Secretary of State 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 Secretary of State as required by section 45(2) of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

Dated this

day of

197

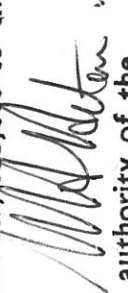
THE COMMON SEAL OF THE
WARRINGTON BOROUGH COUNCIL
was hereunto affixed in the
presence of:-


Deputy Borough Secretary & Solicitor

TREE NO 16488

392 B

The Secretary of State for the Environment hereby confirms the foregoing Order, subject to the modifications shown in red ink thereon.


Signed by authority of the
Secretary of State

23rd October 1975.

An authorised officer in the
Department of the Environment.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Act as adapted and modified to apply to this Order.

33.-(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 insofar as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested therein.

Reference of applications to Secretary of State

35.-(1) The Secretary of State 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.

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

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

(4) Where an application for consent under the Order is referred to the Secretary of State 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.

(5) Before determining an application referred to him under this section the Secretary of State 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 Secretary of State for the purpose.

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

Appeals against decisions

36.-(1) Where an application is made for consent under the Order and that consent is refused by the 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 Secretary of State.

(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 Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, 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 no 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.

(4) Before determining an appeal under this section, the Secretary of State 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 Secretary of State for the purpose.

SECOND SCHEDULE

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme.
- * (3) the cutting down, topping or lopping of a tree exempted from the provisions of this order by Section 60(6) 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.
- (4) the cutting down, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Minister of Posts and Telecommunications 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 or 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

FIRST SCHEDULE

Trees specified individually
(encircled in black on the map)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
T1	Beech	Some 40ft WSW of the western end of the boundary dividing Nos 9 & 10 Hall Drive
T2	Beech	Immediately to the east of the rear garden of No 309 London Rd some 20ft north of the boundary with No 311
T3	Beech	Immediately to the east of the rear garden of No 309 London Rd some 40ft north of the boundary with No 311
T4	Beech	South of the rear boundary of No 9 Hall Drive some 30ft east of the rear boundary of No 307 London Road
T5	Oak	Immediately west of the rear boundary of No 10 Hall Drive some 20 ft south of the boundary with No 9
T6	Lime	Some 25ft south of the southern boundary of No 10 Hall Drive and some 150 ft from Hall Drive
T7	Lime	Within OS enclosure 7547 close to the NE boundary and some 50ft from the end of Hall Drive
T8	Horse-chestnut	Within OS enclosure 7547, 190ft south of a point 115ft along the northern boundary from Hall Drive
T9	Lime	Within OS enclosure 7547, 170ft east of a point 75ft along the western boundary from the northern end
T10	Lime	Within OS enclosure 7547, 125ft west of a point 100ft along the western boundary of OS enclosure 0045, from the southern end
T11	Sycamore	Within OS enclosure 7547, 240 ft west of a point 330 ft along the eastern boundary from the southern end
T12	Oak	Within the front garden of No 7 Cedarways
T13	Oak	South of the southern part of Cedarways some 70ft west of Beechways
T14	Oak	Within the front garden of No 11 Beechways
T15	Oak	Within the front garden of "Tree Tops" Beechways
T16	Lime	On the northern side of Pineways, within OS enclosures 0037 and the front garden of No 62 Pineways
T17	Lime	On the northern side of Pineways, within OS enclosure 0037, and the front garden of No 62 Pineways
T18	Sycamore	Immediately to the east of the SE corner of the rear garden of No 313 London Road

(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 re-planting of woodlands; 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) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.-(1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Secretary of State dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provision of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to -

(a) species;

(b) number of trees per acre;

(c) the erection and maintenance of fencing necessary for protection of the replanting;

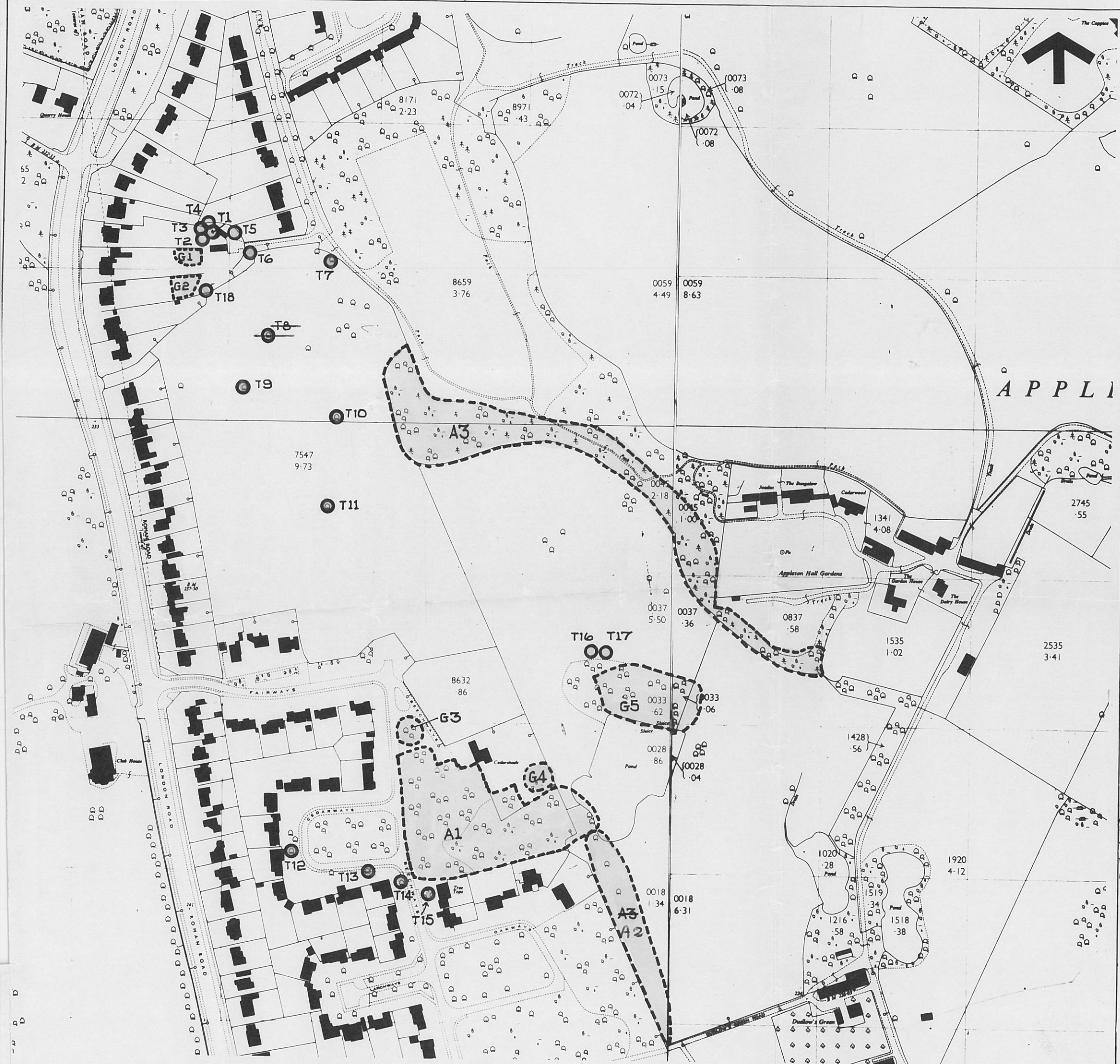
(d) the preparation of ground, draining, removal of brush-wood, lop and top; and

(e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority or a drainage board restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the river authority or drainage board under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

Map referred to in the Warrington Borough Council (Pineways Appleton) Tree Preservation Order. July 1975.



Date 2.7.75

Scale 1:2500

Drawn by *[Signature]*

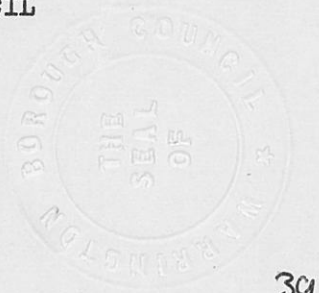
Project
Pineways, Appleton

Drawing no. V/25
Revision

Warrington Borough Council
Planning & Estates Department
Council Offices Museum St. Tel. Warr. 32531
Planning & Estates Officer. L.G.Hindle M.R.T.P.I. A.R.I.C.S.

THE COMMON SEAL OF
WARRINGTON BOROUGH COUNCIL
WAS HEREUNTO AFFIXED IN
THE PRESENCE OF:

[Signature]



392 B
Deputy Borough Secretary & Solicitor

[CONFIRMATION OF ORDER

This Order was confirmed by the Warrington Borough Council without modification on the
day of]

OR

This Order was confirmed by the Warrington Borough Council, subject to the modifications
indicated by [state how indicated], on the day of

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by Warrington Borough Council on the
day of]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by Warrington Borough Council on the 13th day of OCTOBER
2000 under the reference number 14345 .]

.....
Authorised by the Council to sign in that behalf]

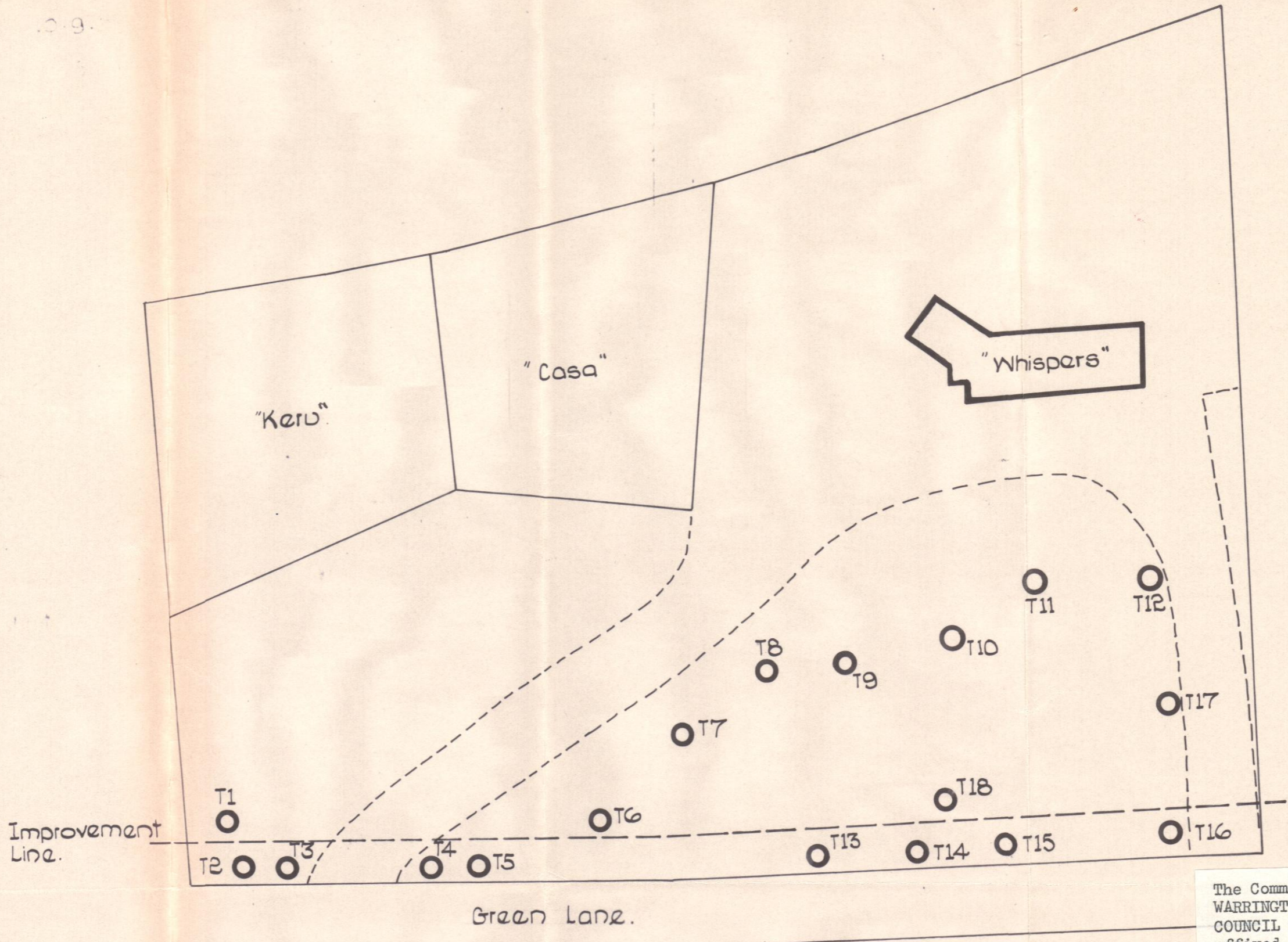
[REVOCATION OF ORDER

[This Order was revoked by Warrington Borough Council on the day of
under the reference number]

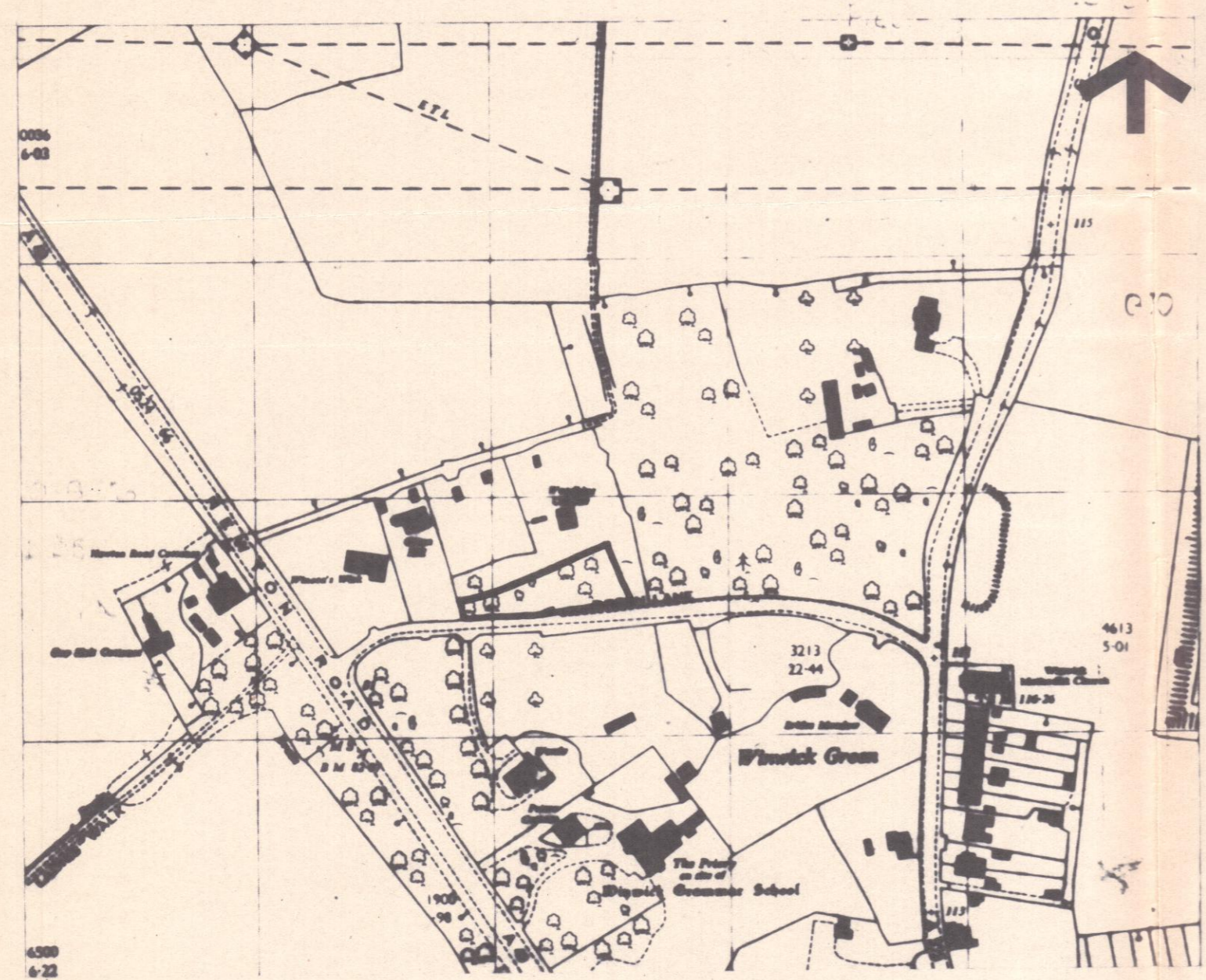
.....
Authorised by the Council to sign in that behalf]

Map referred to in the Warrington Borough Council (Green Lane Winwick) Tree Preservation Order 1976.

Sealed Order 641



Location Plan



The Common Seal of WARRINGTON BOROUGH COUNCIL was hereunto affixed this 4th day of January 1977 in the presence of:-

J. G. Bartwright
Borough Secretary

13900

Warrington Borough Council
Planning & Estates Department.
Council Offices, Museum St. Tel. Warr. 32531
Planning & Estates Officer. L.G. Hindle M.R.T.P.I. A.R.I.C.S.

Date 13.9.76

Scale 1:1160 & 1:2500

Drawn by *N.G.*

Approved by N.G.

Drawing no. VII / 40

Revision