

(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 brushwood, 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.

9.—Subject to the provisions of this Order, any person who has suffered ^{loss of} damage ~~or has incurred expenditure~~ in consequence of any refusal 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 of} damage ~~or expenditure~~.

Provided that no compensation shall be payable in respect of ^{loss of} damage suffered ~~or expenditure incurred~~ 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.

10.—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 or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owners which would result from the felling of the trees the subject of the claim.

11.—(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 offices of the authority addressed to the Clerk thereof 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.

12.—Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

13.—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.

14.—This Order may be cited as the North Riding of Yorkshire

Tree Preservation Order 1968/52.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

No. on Map. *Description.* *Situation.*

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA*

(within a dotted black line on the map)

No. on Map. *Description.* *Situation.*

A1	The several trees of whatever species standing in the area numbered A1 on the map	Comprising O.S. parcels Nos. 225, 225a, 225b, 225c, 225d, 225e, 226 and 226a , Sheet XCIII-4 (1928 Edition), Stepney Hill in the Borough of Scarborough. <i>being on the 1/2500 scale map</i>
----	-----------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

GROUPS OF TREES*

(within a broken black line on the map)

No. on Map. *Description.* *Situation.*

NONE

WOODLANDS*

(within a continuous black line on the map)

No. on Map. *Description.* *Situation.*

W.1.	NONE Mixed hard and softwoods of various species	Situating in O.S. parcels 226 and 226a being on the 1/2500 scale map (1928 edition) Stepney Hill, Scarborough.
------	----------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

* The word "NONE" must be entered where necessary.

(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.

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

24. Appeal in default of decision.—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 of the Act ;

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. Power to revoke or modify the consent under the order.—(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.

(2) 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.

(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 on the owner 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.

(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.

(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.

GIVEN under the Common Seal of the
County Council of the Administrative
County of the North Riding of
Yorkshire
the *Seventeenth* day of
July in the year
nineteen hundred and *Sixty eight*

L.S.
16970

(Signed) James T. Fletcher
Chairman of the County Council

(Signed) William A. Harrison
Deputy Clerk of the County Council

The Minister of Housing and Local Government in exercise of the powers conferred upon him in that behalf hereby confirms the foregoing order subject to the modifications shown in red ink thereon.

In witness whereof the Official Seal of the Minister of Housing and Local Government is hereto affixed on the twenty, 1968.

(Signed) I. J. B. B. B.

Authorised by the Minister

Dated 14th July 1968.

THE COUNTY COUNCIL OF THE ADMINISTRATIVE
COUNTY OF THE NORTH RIDING OF YORKSHIRE

TOWN AND COUNTRY PLANNING ACT, 1962.

TREE PRESERVATION ORDER

No. 1968/52
relating to
Trees situate at Stepney Hill,
Scarborough, in the North Riding
of Yorkshire.
