

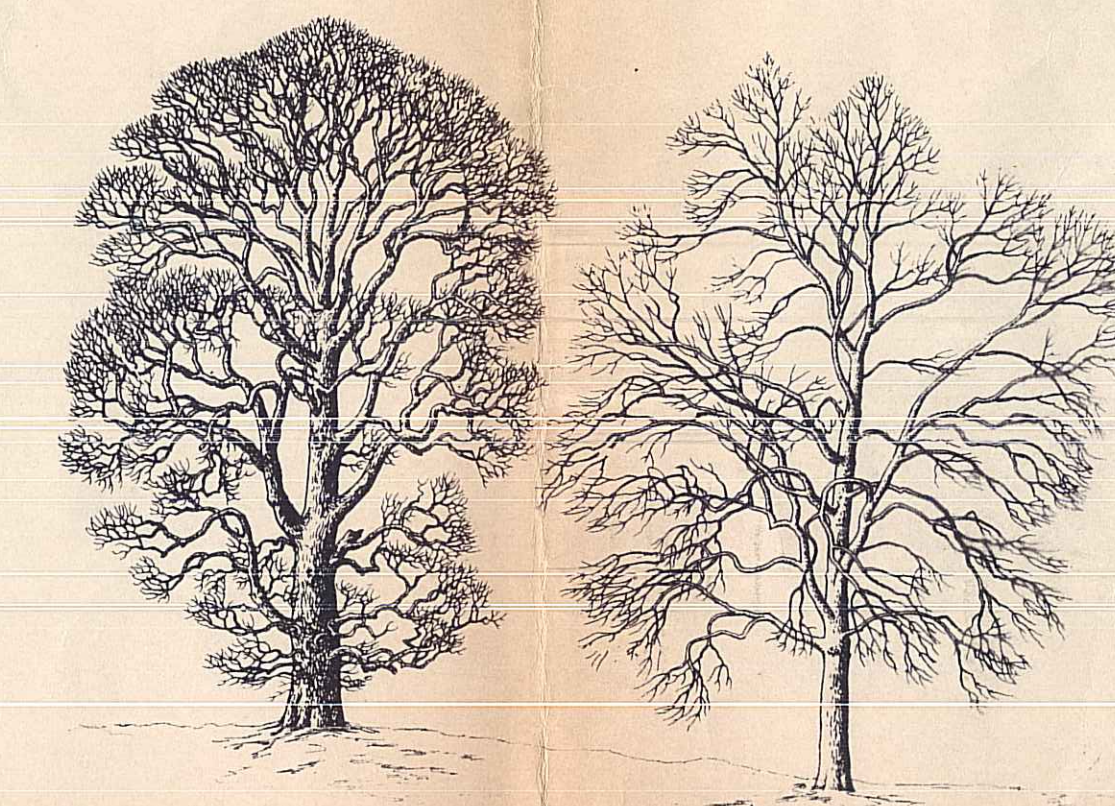
COUNTY COUNCIL OF THE WEST RIDING OF YORKSHIRE

YORKSHIRE DALES NATIONAL PARK

SKIPTON RURAL DISTRICT

(Embsay)

TREE PRESERVATION ORDER NO 2 1971



L. N. Fraser M. Eng., M.T.P.I., M.I.C.E.,
County Planning Officer,
Raines House,
Denby Dale Road,
Wakefield.

Scale 1:2500

1



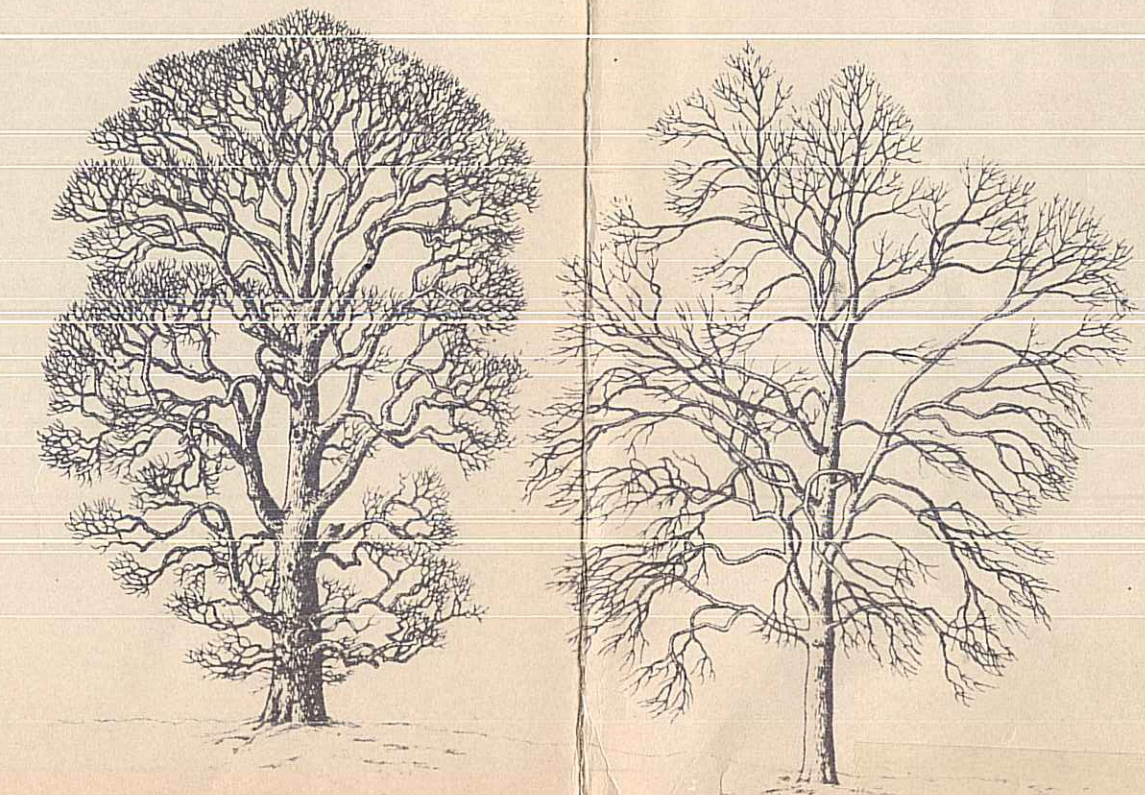
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2



TOWN AND COUNTRY PLANNING ACT, 1962

COUNTY COUNCIL OF THE WEST RIDING
OF YORKSHIRE

TREE PRESERVATION
ORDER NO.2. 1971.

relating to

trees, areas of trees, groups of
trees and woodlands in the Yorkshire
Dales National Park

(Skipton Rural District - Embsay

County Hall,
WAKEFIELD.



T R E E P R E S E R V A T I O N O R D E R
T O W N A N D C O U N T R Y P L A N N I N G A C T S , 1 9 6 2 A N D 1 9 6 8

YORKSHIRE DALES NATIONAL PARK
SKIPTON RURAL DISTRICT - EMBSAY
TREE PRESERVATION ORDER NO.2. 1971

The County Council of the West Riding of Yorkshire (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962, and subject to the provisions of the Forestry Act, 1967, hereby makes the following order:-

1. In this Order

"the Act" means the Town and Country Planning Act, 1962;

"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-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgage in possession; and "Secretary of State" means the Secretary of State for the Environment.

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 or comprised in an area of trees, group of trees or in a woodland therein specified, the position of which trees, areas of trees, groups of trees and woodlands 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.

NOTE: If it is desired to fell any of the trees included in this Order whether included as trees, areas of trees, groups of trees or woodlands and the trees are trees for the felling of which a licence is required under the Forestry Act, 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15(5)).

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:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interest of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(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 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 25 of the Countryside Act, 1968, 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 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 of 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, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment 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, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment 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 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.

9. 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.

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 owner 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 Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.

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

NOTE: 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 a tree other than one which is part of woodland 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.

Given under the Seal of the County Council of the West Riding of
Yorkshire the day of in the year One thousand
nine hundred and seventy-one

The Common Seal of the County Council
of the West Riding of Yorkshire was
hereunto affixed in the presence of:

The Member of the County Council having
the custody of the Key of the Common Seal

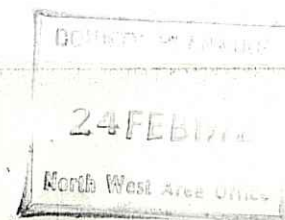
Clerk of the County Council.

Number in County Council Register

T.35	Lime	In O.S. Parcel 3238.
T.36	Ash	On the boundary between O.S. Parcels 3238 and 4239
T.37	Sycamore	* In O.S. Parcel 4932.
T.38	Ash	Near the eastern boundary of O.S. Parcel 3961.
T.39	Ash	Near the eastern boundary of O.S. Parcel 3961.
T.40	Sycamore	Near the eastern boundary of O.S. Parcel 3961.
T.41	Elm	In the southern portion of O.S. Parcel 7663
T.42	Sycamore	In O.S. Parcel 6438
T.43	Ash	Near the western boundary of O.S. Parcel 6428
T.44	Ash	Near the western boundary of O.S. Parcel 6428
T.45	Sycamore	In O.S. Parcel 7630
T.46	Sycamore	Near the western boundary of O.S. Parcel 7512
T.47	Sycamore	Near the western boundary of O.S. Parcel 7512
T.48	Sycamore	Near the western boundary of O.S. Parcel 5118
T.49	Sycamore	Near the western boundary of O.S. Parcel 5118
T.50	Ash	Near the western boundary of O.S. Parcel 5118
T.	Ash	Near the eastern boundary of O.S. Parcel 5118
T.52	Ash	Near the eastern boundary of O.S. Parcel 5118
T.53	Ash	Near the eastern boundary of O.S. Parcel 5118
T.54	Ash	Near the eastern boundary of O.S. Parcel 5118
T.55	Sycamore	Near the western boundary of O.S. Parcel 0960
T.56	Sycamore	Near the northern boundary of O.S. Parcel 0960
T.57	Ash	In the boundary between O.S. Parcels 0960 and 1550
T.58	Ash	In the eastern boundary of O.S. Parcel 1550
T.59	Ash	In the eastern boundary of O.S. Parcel 1550
T.60	Beech	In the northern boundary of O.S. Parcel 9134
T.61	Sycamore	In the eastern boundary of O.S. Parcel 9134
T.62	Sycamore	In the northern boundary of O.S. Parcel 8411
T.	Sycamore	In the northern boundary of O.S. Parcel 8411
T.64	Ash	Near the northern boundary of O.S. Parcel 8411
T.65	Sycamore	Near the southern boundary of O.S. Parcel 9134
T.66	Sycamore	Near the southern boundary of O.S. Parcel 9134
T.67	Sycamore	Near the southern boundary of O.S. Parcel 9134
T.68	Elm	Near the southern boundary of O.S. Parcel 9134
T.69	Sycamore	Near the northern boundary of O.S. Parcel 0002
T.70	Beech	Near the southern boundary of O.S. Parcel 9134
T.71	Sycamore	Near the northern boundary of O.S. Parcel 0602
T.72	Elm	Near the eastern boundary of O.S. Parcel 0232
T.73	Sycamore	Near the western boundary of O.S. Parcel 0336
T.74	Ash	On the boundary between O.S. Parcels 0336 and 0834

First Schedule
Trees Specified Individually (encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.1	Sycamore	Near the north western boundary of O.S. Parcel 2500.
T.2	Elm	Near the north western boundary of O.S. Parcel 4933.
T.3	Sycamore	Near the north western boundary of O.S. Parcel 4933.
T.4	Sycamore	Near the north western boundary of O.S. Parcel 4933.
T.5	Sycamore	Near the north western boundary of O.S. Parcel 4933.
T.6	Sycamore	Near the north western boundary of O.S. Parcel 4933.
T.7	Sycamore	In the north western portion of O.S. Parcel 7265.
T.8	Sycamore	In the north western portion of O.S. Parcel 7265.
T.9	Sycamore	In O.S. Parcel 6334.
	Beech	In O.S. Parcel 6334.
T.11	Beech	In O.S. Parcel 6047.
T.12	Beech	In O.S. Parcel 6017.
T.13	Sycamore	In O.S. Parcel 1709.
T.14	Sycamore	In O.S. Parcel 1709.
T.15	Sycamore	In O.S. Parcel 1709.
T.16	Sycamore	In O.S. Parcel 1709.
T.17	Sycamore	Near the southern boundary of Parcel 3100.
T.18	Sycamore	In O.S. Parcel 1709.
T.19	Sycamore	In O.S. Parcel 1709.
T.20	Sycamore	In O.S. Parcel 1709.
T.21	Ash	In O.S. Parcel 2425.
	Ash	In O.S. Parcel 2425.
T.23	Ash	In O.S. Parcel 2425.
T.24	Ash	In O.S. Parcel 2425.
T.25	Sycamore	In O.S. Parcel 2425.
T.26	Sycamore	In O.S. Parcel 2425.
T.27	Sycamore	On the boundary between O.S. Parcel 21625 & 1947
T.28	Sycamore	Near the eastern boundary of O.S. Parcel 2845
T.29	Ash	Near eastern boundary of O.S. Parcel 3052.
T.30	Ash	Near the eastern boundary of O.S. Parcel 3052.
T.31	Ash	Near the eastern boundary of O.S. Parcel 3052.
T.32	Ash	In O.S. Parcel 3945.
T.33	Ash	On the boundary between Parcels 4239 and 4551.
T.34	Beech	In O.S. Parcel 3238.



T.75	Sycamore	On the boundary between O.S. Parcels 0336 and 0834
T.76	Sycamore	On the boundary between O.S. Parcels 0336 and 0834
T.77	Ash	On the boundary between O.S. Parcels 0336 and 0834
T.78	Ash	On the boundary between O.S. Parcels 0336 and 0834
T.79	Ash	On the boundary between O.S. Parcels 0336 and 0834
T.80	Sycamore	Near the southern boundary of O.S. Parcel 2347
T.81	Sycamore	Near the western boundary of O.S. Parcel 1423
T.82	Sycamore	Near the southern boundary of O.S. Parcel 4700
T.83	Ash	Near the southern boundary of O.S. Parcel 4700
T.84	Sycamore	Near the southern boundary of O.S. Parcel 4700
T.85	Beech	Near the southern boundary of O.S. Parcel 4700
T.86	Ash	Near the southern boundary of O.S. Parcel 4700 .
T.87	Sycamore	Near the southern boundary of O.S. Parcel 4700
T.88	Sycamore	Near the eastern boundary of O.S. Parcel 4700
T.89	Sycamore	Near the eastern boundary of O.S. Parcel 4700
T.90	Sycamore	Near the western boundary of O.S. Parcel 5846
T.91	Sycamore	Near the southern boundary of O.S. Parcel 5878
T.92	Sycamore	Near the southern boundary of O.S. Parcel 5878
T.93	Lime	North-east of the Tannery
T.94	Sycamore	East of the Garth
T.95	Sycamore	East of the Garth on the boundary between O.S. Parcel 4668 and 5656
T.96	Sycamore	In the south-eastern part of O.S. Parcel 4668
T.97	Sycamore	
T.98	Sycamore	Near the south-western boundary of O.S. Parcel 4668
T.99	Sycamore	Near the eastern boundary of O.S. Parcel 1958
T.100	Sycamore	Near the eastern boundary of O.S. Parcel 1958
T.101	Oak	Near the eastern boundary of O.S. Parcel 1958
T.102	Ash	Near the southern boundary of O.S. Parcel 0055
T.103	Ash	Near the southern boundary of O.S. Parcel 2347
T.104	Ash	Near the southern boundary of O.S. Parcel 2347
T.105	Sycamore	Near the eastern boundary of O.S. Parcel 5247
T.106	Beech	Near the eastern boundary of O.S. Parcel 5247
T.107	Sycamore	Near the northern and eastern boundary of O.S. Parcel 2125
T.108	Sycamore	Near the northern and eastern boundary of O.S. Parcel 2125
T.109	Ash	On the northern boundary of O.S. Parcel 0018
T.110	Beech	On the western boundary of O.S. Parcel 1330
T.111	Ash	On the western boundary of O.S. Parcel 1330
T.112	Ash	Near the centre of O.S. Parcel 2125
T.113	Sycamore	Near the southern boundary of O.S. Parcel 2125

T.114	Elm	Near the western boundary of O.S. Parcel 8438
T.115	Ash	Near the western boundary of O.S. Parcel 8046
T.116	Ash	Near the western boundary of O.S. Parcel 8046
T.117	Ash	On the boundary between O.S. Parcels 8046 and 8438
T.118	Elm	On the boundary between O.S. Parcels 8046 and 8438
T.119	Elm	On the boundary between O.S. Parcels 8046 and 8438
T.121	Sycamore	Near the boundary between Laurel Bank and Shires Lane
T.122	Sycamore	Near the boundary between Laurel Bank and Shires Lane
T.123	Oak	Near the boundary between Laurel Bank and Shires Lane
T.124	Sycamore	Near the boundary between Laurel Bank and Shires Lane
T.125	Oak	Near the boundary between Laurel Bank and Shires Lane
T.126	Ash	East of Embassy Inst. and South of Main Street <i>PLANTED EARLY 1991</i>
T.127	Ash	East of Embassy Inst. and South of Main Street <i>DELETED</i>
T.128	Ash	East of Embassy Inst. and South of Main Street
T.129	Beech	Near the boundary between Moorlands and Shires Lane
T.130	Beech	Near the boundary between Moorlands and Shires Lane
31	Beech	Near the boundary between Moorlands and Shires Lane
T.132	H. Chestnut	Near the southern boundary of O.S. Parcel 3179
T.133	Elm	Near the southern boundary of O.S. Parcel 3179
T.134	Lime	Near the western boundary between O.S. Parcel 3179 and Moorlands
T.135	H. Chestnut	Near the western boundary between O.S. Parcel 3179 and Moorlands
T.136	Sycamore	Near the western boundary of O.S. Parcel 5366
T.137	Elm	Near the western boundary of O.S. Parcel 5366
T.138	Sycamore	Near the western boundary of O.S. Parcel 5366
T.139	Sycamore	Near the western boundary of O.S. Parcel 3979
T.140	Elm	In the centre of O.S. Parcel 3179

Trees Specified by Reference to an Area (Within dotted black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
A.1	The several hardwood trees consisting of Sycamore, Oak, Ash, Beech and Elm and numbered A.5 on the map.	In O.S. Parcels 0584, 0966, 1356
A.2	The several hardwood trees consisting of Beech and Sycamore and numbered A.2 on the map.	In the Southern portion of O.S. Parcel 0732

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|-----|---|---|
| A.3 | The several hardwood trees consisting of Elm, Ash, Oak, Beech and Sycamore and numbered A.3 on the map. | In the eastern portion of O.S. Parcel 0732. |
| A.4 | The several hardwood trees consisting of Ash, Sycamore, Beech, Oak and numbered A.4 on the map. | Between O.S. Parcels 6428 and 6100. |
| A.5 | The several hardwood trees consisting of Ash, Sycamore, Beech and Oak. | Near the eastern boundary of O.S. Parcel 7663. |
| A.6 | The several hardwood and conifer trees consisting of Elm, Sycamore, Beech, Larch and numbered A.6 on the map. | On the northern boundary of O.S. Parcel 3787. |
| A.7 | The several hardwood trees consisting of Beech, H. Chestnut, Lime and numbered A.7 on the map. | East of Elm Tree Square and north of Shires Lane. |

Groups of Trees. (Within broken black line on the map)

- | | | |
|-----|--|--|
| G.1 | A group consisting of 3 sycamores and numbered G.1 on the map. | Near the western boundary of O.S. Parcel 6047. |
| G.2 | A group consisting of 9 Sycamores and numbered G.2 on the map. | In O.S. Parcel 4967. |
| G.3 | A group consisting of 1 Ash and 2 Beech and numbered G.3 on the map. | Near the northern boundary of O.S. Parcel 8436. |
| G.4 | A group consisting of 3 Beech and numbered G.4 on the map. | Near the northern boundary of O.S. Parcel 8436. |
| G.5 | A group consisting of 11 Maple, 1 Oak, 1 Birch, 5 Elm, 1 Lime and numbered G.5 on the map. | In O.S. Parcel 1613. |
| G.6 | A group consisting of 1 Ash, 1 Beech, 1 Sycamore and 3 Elms, and numbered G.6 on the map. | In O.S. Parcel 3100. |
| G.7 | A group consisting of 4 Sycamore, 11 Elm, 1 Oak and 1 Pine and numbered G.7 on the map. | In O.S. Parcel 1732. |
| G.8 | A group consisting of 4 Limes and numbered G.8 on the map. | In O.S. Parcel 3238. |
| G.9 | A group consisting of 3 Sycamore and numbered G.9 on the map. | In the north eastern corner of O.S. Parcel 2845. |

G.10	A group consisting of 2 Ash, 3 Sycamore and 2 Elms and numbered G.10 on the map.	In O.S. Parcel 3361
G.11	A group consisting of 6 Sycamores and numbered G.11 on the map.	Near the northern boundary of O.S. Parcel 5678
G.12	A group consisting of 6 Sycamores and numbered G.12 on the map.	Near the northern boundary of O.S. Parcel 7086.
G.13	A group consisting of 5 Sycamores and 1 Elm and numbered G.13 on the map.	In the southern portion of O.S. Parcel 7663.
G.14	A group consisting of 4 Sycamores and numbered G.14 on the map.	Near the northern boundary of O.S. Parcel 4932.
G.15	A group consisting of 2 Sycamores, 3 Ash and 1 Alder, and numbered G.15 on the map.	Situated in the boundary between O.S. Parcels 2425 and 3821.
G.16	A group consisting of 12 Sycamores, 1 Beech and 1 Ash, and numbered G.16 on the map.	Situated on the western boundary between O.S. Parcel 5127 and 4622.
G.17	A group consisting of 4 Sycamore, 6 Maple, 3 Horse Chestnut, 2 Rowan and numbered G.17 on the map.	Situated on the western boundary of O.S. Parcel 82.
G.18	A group consisting of 3 Sycamore and numbered G.18 on the map.	Situated in the centre of O.S. Parcel 4668.
G.19	A group consisting of 4 Ash 2 Sycamore, 3 Beech and numbered G.19 on the Map.	Situated in O.S. Parcel 5633.
G.20	A group consisting of 10 Sycamore and numbered G.20 on the map.	North of Bow Bridge Upper
G.21	A group consisting of 2 Lime, 1 Elm, 3 Sycamore, 2 Ash, 2 Horse Chestnut, 9 Beech and numbered G.21 on the map.	Situated near the eastern boundary of O.S. Parcel 6250.
G.22	A group consisting of 7 Sycamore and numbered G.22 on the map.	Situated on the eastern boundary of Laurel Bank.
G.23	A group consisting of 1 Elm, 1 Rowan, 2 Whitebeam, 3 Sycamore and numbered G.23 on the map.	Situated on the boundary adjacent to O.S. Parcel 1300.
G.24	A group consisting of 5 Sycamore, 5 Elm and numbered G.24 on the map.	Situated in the south-western corner of O.S. Parcel 3100.

G.25	A group consisting of 1 Elm, 1 Ash, 1 Sycamore and numbered G.25 on the Map.	Situated on the southern boundary of O.S. Parcel 3100.
G.26	A group consisting of 5 Ash, 1 Sycamore and numbered G.26 on the Map.	Situated on the south-western corner of O.S. Parcel 3993.
G.27	A group consisting of 5 Ash, 1 Sycamore and numbered G.27 on the Map.	Situated on the western boundary of O.S. Parcel 1149.

WOODLANDS

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situated</u>
W.1	Mixed hardwoods consisting mainly of Ash, Elm, Beech, Sycamore, Oak.	In O.S. Parcel 0640.
W.2	Mixed hardwoods, consisting mainly of Ash, Sycamore, Beech, Oak.	O.S. Parcels 6859, 7678, 7663.
W.3	Mixed deciduous and Conifer trees consisting mainly of Ash, Beech, Sycamore and Larch.	In O.S. Parcel 3582.
W.4	Mixed deciduous and Conifer trees consisting mainly of Oak, Beech, Sycamore and Larch.	In O.S. Parcel 4776.

S E C O N D S C H E D U L E

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 woodland scheme.
- *(3) 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.
- (4) 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;

*NOTE: Section 13(1) of the Civic Amenities Act, 1967, requires, unless on the application of the owner, the local authority dispense with the requirement that any tree removed or destroyed under section 29(7) of the Town and Country Planning Act, 1962, shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in the case of emergency shall be of not less than five days.

- (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, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment 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 Secretary of State for Trade and Industry where, in the opinion of such Secretaries of State, 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.

(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 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.

Reference of
applications
to the
Secretary
of State

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 Secretary of State accordingly.

22.(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.

22.(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.

22.(6) The decision of the Secretary of State of 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 Secretary of State.

Appeals
against
decisions

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 Secretary of State may allow.

23.(4) 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 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 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.

23.(7) The decision of the Secretary of State 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 -

Appeal in
default of
decision.

- (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 Secretary of State 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 has 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.

Power to
revoke or
modify the
consent
under the
Order.

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 Secretary of State; and the Secretary of State 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 Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State 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 Secretary of State, 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 Secretary of State 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 Secretary of State under subsection (2) of this section.

(b) Town and Country Planning Act, 1968.

Unopposed
revocation or
modification
of consent

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 Secretary of State 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 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.

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 Secretary of State, 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 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 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 Secretary of State 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.