Warrington Borough Council

The Secretary
Department of the Environment
Caxton House
Tothill Street
LONDON

Our Reference
ADM/CT/D.37.10
If you telephone please ask for
Mr Middleton
Your Reference
ADM
Date
20 October 1975

Dear Sir

WARRINGTON BOROUGH COUNCIL (WILDERSPOOL CAUSEWAY AREA)
TREE PRESERVATION ORDER NO 2 1975

I enclose one sealed and one unsealed copy of the above Order and map, together with a copy of the notice issued pursuant to Regulation 5(c) of the Town and Country Planning (Tree Preservation Order) Regulations 1969, together with a list of owners on whom the Order, map and notice have been served.

Please accept this letter as my certificate that Regulations 4 and 5 of the Town and Country Planning (Tree Preservation Order) Regulations 1969 have been complied with.

Yours faithfully

[Signature]

Acting Borough Secretary and Solicitor

Enc
(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 permission to develop land under Part III of the Act,

(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 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 an provisional schedule, may be amended from time to time by Order of the Secretary of State.
(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 20th day of October 1975

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

Deputy Borough Secretary & Solicitor
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 as otherwise provides), secure for the benefit of the land and of all persons for the time being interested therein.

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.

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.
then the damage.

Garden!

Exercise or training on land conducted in uncontrolled
which is a similar type utilized for farm production

What of that part?

The purpose of the plant has been so defined for any of the purposes
or desired to have been so defined for any of the purposes
Grated an appropriated made under Part III of the act
which could demonstrate such demonstrated demonstration
implied the purpose for the purpose of experiment

Technically, installations
and effective various or administrative
and effective various or administrative
the area. Any or other purposes
the area. Any or other purposes
the area. Any or other purposes
the area. Any or other purposes

the Secretary of State for Defence (Avon)

the Secretary of State for Defence (Avon)
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 1900;

(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 the river authority.
FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on plan)

<table>
<thead>
<tr>
<th>NO. ON MAP</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T.1</td>
<td>Horsechestnut</td>
<td>14 m. east of Brewery wall, 22 m. west of Wilderspool Causeway.</td>
</tr>
<tr>
<td>T.2</td>
<td>Horsechestnut</td>
<td>8 m. east of Brewery wall, 24 m. west of Wilderspool Causeway.</td>
</tr>
</tbody>
</table>
and the order shall take effect on 1 September 1975.

3(1) The provisions of Section 61 of the Act shall apply to this Order in so far as they are not inconsistent with the provisions of this Order.

3(2) Any question of jurisdiction shall be determined in accordance with the provisions of Section 179 of the Act.

Appeal. — No appeal shall lie from the order of the Secretary of State on the ground of the alleged irregularity in the enforcement of the provisions of this Order, but no appeal or other proceeding shall be entertained on any question of jurisdiction that may be made against the Secretary of State.

4(1) A claim for compensation under this Order shall be made within 30 days of the date of service upon the Secretary of State of the notice of the claim.

4(2) Any suit or other proceeding commenced after the expiration of the period referred to in sub-section (1) of this section shall be invalid.

5. — In assessing compensation payable under the last preceding section, the following provisions shall apply.

5(1) In the event of the Secretary of State exercising his power under section 8 of the Act to acquire any property under the said section, no compensation shall be payable in respect of any property acquired in consequence of the exercise of that power.

5(2) In the case of any land that is the subject of a surrender under this Order, no compensation shall be payable in respect of any benefit or loss sustained in consequence of the surrender.
(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 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 are 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
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 60 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 179 of the Act.

13.- (1) The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on 1 September 1975.

Note: Any person who, in contravention of this Order, cuts down, uproots, or wilfully destroys a tree, or tops or lops a tree in such a manner as to be likely to destroy it, is guilty of an offence under Section 102(1) of the Act, and liable, on summary conviction, to a fine not exceeding £500, or twice the value of the tree whichever is the greater. A person who contravenes the provisions of the Order otherwise than in the manner mentioned in Sub-Section 1, shall also be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200. In the case of a continuing offence, if the contravention is continued after conviction, a person will be guilty of a further offence and liable, on summary conviction, to an additional fine not exceeding £5 for each day on which the contravention is continued. If a tree other than one which is part of a 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 it.
G treasurer's account
24 m. west of Midrex spool
& m. east of Brevery well

G treasurer's account
22 m. west of Midrex spool
14 m. east of Brevery well

Situation

First Schedule


This order shall not apply so as to require the consent of the

SECOND SCHEDULE
(iv) the Secretary of State for Defence (Royal Air Force), the Secretary of State for Trade and Industry where in the opinion of such Secretary of State 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;

*NOTE: Section 62 of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed, uprooted or destroyed under section 60(6) of the Act 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 a case of emergency shall be of not less than five days.*
Provisions of the following parts of Part III of the Act as adapted and modified to apply to this Order.

Section 32-(1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides) expire for the benefit of the land and all persons for the time being interested therein.

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

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

Where an application for consent under this Order is made in respect of an application for consent under the authority requiring applications for consent under the Order to be referred to the authority, any application made to the authority shall be referred to the Secretary of State under this section.

Where an application for consent under this Order is made in respect of an application for consent under the authority, any application made to the authority shall be referred to the Secretary of State under this section.

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

A notice under this section shall be served in writing on the applicant and the authority, and the authority shall serve a copy of the notice on the applicant.

Where an appeal is made to the Secretary of State, the Secretary of State shall decide whether the appeal shall be heard in the case of the Secretary of State, and the decision of the Secretary of State shall be final.

Appeals against decisions

References to: Secretary of State

Order made by the authority requiring applications for consent under the Order to be referred to the authority shall be referred to the Secretary of State under this section.

Subject to the following provisions of this section, any application made to the authority shall be referred to the Secretary of State under this section.

Order made by the authority requiring applications for consent under the Order to be referred to the authority shall be referred to the Secretary of State under this section.

Subject to the following provisions of this section, any application made to the authority shall be referred to the Secretary of State under this section.
(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. 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 Secretary of State in accordance with directions given under section 35 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.

45.- (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) (Subject to the provisions of Section 46 and 61 of the Act) 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.

(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.

(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.

46.- (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 45 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 upon which such Order has been made and the person on whom such Order has been served shall be entitled to apply to the Secretary of State for the confirmation of such Order, and the Secretary of State shall confirm such Order or such part thereof as he may think fit, or refuse confirmation on such grounds as he may think fit.
Pursuant to the Order in Council of the Municipality of the District of North Cowichan Dated the 17th day of October 1975

acted under Part IV of the Local Government Act

This order does not apply to such order revoked by

the Secretary of State under Part III of the

Order and a consent granted by the same to have been revoked by or modification of any consent granted by the same.

The above order may be revoked by the Secretary of State by giving notice of the same to the person or body on whom the order has been made and the order revoked.

The authority shall authorize the fact that such
WARRINGTON BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

THE WARRINGTON BOROUGH COUNCIL (WILDERSPOOL
CAUSEWAY) LOCAL PLAN PREPARATION ORDER 1975

NOTICE PURSUANT TO REGULATION 5(c) OF THE
TOWN AND COUNTRY PLANNING ACT 1971

LOCAL PLAN ORDER 1975

TO:

Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing mature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Caxton House, Tothill Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation if confirmed within the six months period. The date stated in the Order for taking effect is and from that date sections described in the Order as contravention thereof become offences in the manner likewise described.

Dated this 20th day of October 1975

Acting Borough Secretary and Solicitor
NOTICE PURSUANT TO REGULATION 5(c) OF THE TOWN AND COUNTRY PLANNING ACT 1971 (WILDERSFPOO) TOWN AND COUNTRY PLANNING ORDER 1975

TO:

Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing mature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m and 5.30 p.m Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Carton House, Tavistock Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation if confirmed within the six months period. The date stated in the Order for taking effect is and from that date actions described in the Order as contravention thereof become offences in the manner likewise described.

Dated this 20 day of October 1975

Acting Borough Secretary and Solicitor

Town Hall
TO:

Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing mature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Carton House, Totton Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971 shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation if confirmed within the six months period. The date stated in the Order for taking effect is and from that date actions described in the Order as contravention thereof become offences in the manner likewise described.

Dated this 20 day of October 1975

Acting Borough Secretary and Solicitor
NOTICE PURSUANT TO REGULATION 5(e) OF THE
TOWN AND COUNTRY PLANNING ACT 1971
NOTICE UNDER REGULATION 5(e) OF THE
TOWN AND COUNTRY PLANNING (WILDERPOOL
CAUSWAY) PREVENTIVE ORDER 1975

TO:

Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing nature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Carton House, Toffsill Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation is confirmed within the six months period. The date stated therein for taking effect is and from that date sections described in the Order as contravention thereof become offence in the manner likewise described.

Dated this 20 day of October 1975

Acting Borough Secretary and Solicitor
Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the Order is, therefore, sought to protect existing nature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Carton House, Totton Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an Order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the Order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation is confirmed within the six months period. The date stated in the Order for taking effect is and from that date actions described in the Order as contravention thereof become offences in the manner likewise described.

Dated this 20th day of October 1975

Acting Borough Secretary and Solicitor
Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing mature trees.

Certified copies of the Order and of the map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Caxton House, Waterloo Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not later than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation is confirmed within the six months period. The date stated in the Order for taking effect is and from that date sections described in the Order as contravention thereof become offence in the manner likewise described.

Dated this 20 day of October 1975

Acting Borough Secretary and Solicitor
To:

Take notice that the Council have this day sealed the above Order which has been made on the following ground:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing nature trees.

Certified copies of the Order and of the map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Carton House, Trafalgar Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7. (1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation if confirmed within the six months period. The date stated in the Order for taking effect is and from that date sections described in the Order as contravention thereof become offences in the manner likewise described.

Dated this 20 Day of October 1975

Acting Borough Secretary and Solicitor
NOTICE PURSUANT TO REGULATION 5(c) OF THE TOWN AND COUNTRY PLANNING (CONSOLIDATION) ORDER 1969

TO:

Take Notice that the Council have this day sealed the above Order which has been made on the following grounds:

The trees in the position indicated on the submitted plan are in an area where development is exclusively residential and form an important part of the environmental and visual amenity. There is reason to believe that further application for development will be made and the order is, therefore, sought to protect existing mature trees.

Certified copies of the Order and of the Map referred to therein have been deposited at the Town Hall, Warrington, and may be inspected there between the hours of 9.00 am and 5.30 pm Monday to Friday, and any objections and representations with respect to the Order may be made to the Secretary of State for the Environment at Caxton House, Tothill Street, London, in accordance with the following requirements contained in Regulation 7 of the above Regulations:

7.(1) Every objection or representation with respect to an order shall be made in writing to the Secretary of State, 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 Secretary of State within 28 days from the date of the service of the notice of the making of the order.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service of the notice of the making of the Order, the Order may be confirmed by the Council (but without any modification) as an unopposed Order.

The Council have included in the Order a direction to the effect that section 61 of the Town and Country Planning Act 1971, shall apply thereto. Under section 61 the Order takes effect provisionally on the date stated therein and continues in force either for six months or until confirmation if confirmed within the six months period. The date stated in the Order for taking effect is and from that date actions described in the Order as contravention thereof become offences in the manner likewise described.

Dated this ______ day of ______ 1975

Acting Borough Secretary and Solicitor
THE WARRINGTON BOROUGH COUNCIL in pursuance of the powers conferred in that behalf by Section 60 of the Town and Country Planning Act 1971 (in this Order called "the authority") 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, 1971;
   "owner" means the person in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession the unexpired portion of whose lease is more than three years or more and a mortgagee in possession; and
   "the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exceptions 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 a group of trees or in a woodland therein specified, the position of which 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.

3. An application for consent made 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 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 consent so far as accord with the principles of good forestry, except where, in the judgment of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland of the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

Note—If it is desired to fell any of the trees included in this Order whether included as 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 19(5))
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 to the claimant or to any other person, in respect of the same plant or any part thereof, under the terms of any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 9 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, 1947, 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 an aforesaid claim 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 179 of the Act.

13.—(1) The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on 1 September 1975.

Note: Any person who, in contravention of this Order, cuts down, uproots, or wilfully destroys a tree, or tops or lops a tree in such a manner as to be likely to destroy it, is guilty of an offence under Section 102(1) of the Act, and liable, on summary conviction, to a fine not exceeding £200, or twice the value of the tree whichever is the greater. A person who contravenes the provisions of the Order otherwise than in the manner mentioned in Sub-Section 1, shall also be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200. In the case of a continuing offence, if the contravention is continued after conviction, a person who is guilty of a further offence and liable, on summary conviction, to an additional fine not exceeding £5 for each day on which the contravention is continued. If a tree other than one which is part of a woodland is rescued 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 requirements, to plant another tree of appropriate size and species, at the same place or as soon as he reasonably can.
(iv) the Secretary of State for Defence (Royal
Air Force), the Secretary of State for Trade
and Industry where in the opinion of such
Secretary of State or Board the tree obstructs
the approach of aircraft to, or their depart-
ure 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;

* NOTE: Section 62 of the Act requires, unless on the application of the owner
the local authority dispense with the requirement, that any tree removed,
uprooted or destroyed under section 62(6) of the Act 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 a case of emergency shall be of not less
than five days.
(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. 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 Secretary of State in accordance with directions given under section 35 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.

45.- (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) (Subject to the provisions of Section 46 and 61 of the Act) 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.

(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.

(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.

46.- (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 45 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.