(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) above no person claiming to be affected by such order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such order be submitted to him for confirmation, such order shall at the expiration of the period referred to in subsection (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45(2) of the Act.

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

Dated this day of 1975.

THE OFFICIAL SEAL OF THE
WASHINGTON BOROUGH COUNCIL
was hereto affixed in the
presence of:

[Signature]

Deputy Borough Secretary & Solicitor

Tree No. 166/93

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

Signed by authority of the Secretary of State
23rd October 1975.

An authorised officer in the Department of the Environment.
Provisions of the following parts of Part III of the Act as adapted and modified to apply to this Order.

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

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.
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 ful-
        filled;
    (b) the cutting down is in accordance with a plan of
        operations approved by the Forestry Commission un-
        der 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 com-
    pliance with obligations imposed by or under an Act of
    Parliament or so far as may be necessary for the prevention
    or abatement of a nuisance.

(4) the cutting down, topping or lopping of a tree
    (a) in pursuance of the power conferred on the Minister of
        Posts and Telecommunications by virtue of section 5 of
        the Telegraph (Construction) Act 1908;
    (b) by or at the request of
        (i) a statutory undertaker where the land on which
            the tree is situated is operational land as
            defined by the Act and either works on such
            land cannot otherwise be carried out or the
            cutting down, topping or lopping is for the
            purpose of securing safety in the operation
            of the undertaking;
        (ii) an electricity board within the meaning of
            the Electricity Act 1947, where such tree
            obstructs the construction by the board of
            any main transmission line or other electric
            line within the meaning respectively of the
            Electricity (Supply) Act 1912 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 con-
            stituted under the Land Drainage Act 1930
            where the tree interferes or would interfere
            with the exercise of any of the functions of
            such river authority or drainage board in
            relation to the maintenance improvement or
            construction of water courses or of drainage
            works; or
<table>
<thead>
<tr>
<th>No. on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T 1</td>
<td>Beech</td>
<td>Some 40 ft WSW of the western end of the boundary dividing Nos 9 &amp; 10 Hall Drive</td>
</tr>
<tr>
<td>T 2</td>
<td>Beech</td>
<td>Immediately to the east of the rear garden of No 309 London Rd some 20 ft north of the boundary with No 311</td>
</tr>
<tr>
<td>T 3</td>
<td>Beech</td>
<td>Immediately to the east of the rear garden of No 309 London Rd some 40 ft north of the boundary with No 311</td>
</tr>
<tr>
<td>T 4</td>
<td>Beech</td>
<td>South of the rear boundary of No 9 Hall Drive some 30 ft east of the rear boundary of No 307 London Road</td>
</tr>
<tr>
<td>T 5</td>
<td>Oak</td>
<td>Immediately west of the rear boundary of No 10 Hall Drive some 20 ft south of the boundary with No 9</td>
</tr>
<tr>
<td>T 6</td>
<td>Lime</td>
<td>Some 25 ft south of the southern boundary of No 10 Hall Drive and some 150 ft from Hall Drive</td>
</tr>
<tr>
<td>T 7</td>
<td>Lime</td>
<td>Within GS enclosure 7547 close to the NE boundary and some 50 ft from the end of Hall Drive</td>
</tr>
<tr>
<td>T 8</td>
<td>Horse-chestnut</td>
<td>Within GS enclosure 7547, 190 ft south of a point 115 ft along the northern boundary from Hall Drive</td>
</tr>
<tr>
<td>T 9</td>
<td>Lime</td>
<td>Within GS enclosure 7547, 170 ft east of a point 75 ft along the western boundary from the northern end</td>
</tr>
<tr>
<td>T 10</td>
<td>Lime</td>
<td>Within GS enclosure 7547, 125 ft west of a point 100 ft along the western boundary of GS enclosure 0047 from the southern end</td>
</tr>
<tr>
<td>T 11</td>
<td>Sycamore</td>
<td>Within GS enclosure 7547, 240 ft west of a point 350 ft along the eastern boundary from the southern end</td>
</tr>
<tr>
<td>T 12</td>
<td>Oak</td>
<td>Within the front garden of No 7 Cedarways</td>
</tr>
<tr>
<td>T 13</td>
<td>Oak</td>
<td>South of the southern part of Cedarways some 70 ft west of Beechways</td>
</tr>
<tr>
<td>T 14</td>
<td>Oak</td>
<td>Within the front garden of No 11 Beechways</td>
</tr>
<tr>
<td>T 15</td>
<td>Oak</td>
<td>Within the front garden of &quot;Tree Tops&quot; Beechways</td>
</tr>
<tr>
<td>T 16</td>
<td>Lime</td>
<td>On the northern side of Pineways, within GS enclosures 0057 and the front garden of No 62 Pineways</td>
</tr>
<tr>
<td>T 17</td>
<td>Lime</td>
<td>On the northern side of Pineways, within GS enclosure 0037, and the front garden of No 62 Pineways</td>
</tr>
<tr>
<td>T 18</td>
<td>Sycamore</td>
<td>Immediately to the east of the SW corner of the rear garden of No 313 London Road</td>
</tr>
</tbody>
</table>
(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 II 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.

(c) 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, log and top; and

(e) protective measures against fire.

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

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

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

OR

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

Authorized by the Council to sign in that behalf.

[DECISION NOT TO CONFIRM ORDER]

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

Authorized by the Council to sign in that behalf.

[VARIATION OF ORDER]

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

Signature]

Authorized by the Council to sign in that behalf.

[REVOCATION OF ORDER]

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

Authorized by the Council to sign in that behalf.]