

SECOND SCHEDULE

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

- (1) the cutting down of any trees 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 under Section 4 of the Forestry Act 1967 except a scheme which applies to a Forestry Dedication Covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Post Office 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, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) a river authority established under the Water Resources Act 1963 or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, in relation to the maintenance improvement or construction of water courses or of drainage works; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Trade and Industry or the Board of Trade 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;

THIRD SCHEDULE

Provisions 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 Council on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

35. Reference of applications to the Secretary of State - (1) The Secretary of State may give directions to the Council requiring applications for consent under the Order to be referred to him instead of being dealt with by the Council.

(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 clause 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the Council.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the Council 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. Appeals against decisions - (1) Where an application is made to the Council for consent under the Order and that consent is refused by that Council or is granted by them subject to conditions, or where any certificate or direction is given by the Council, 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 Council, 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 Council, 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.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the Council 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.

(5) The decision of the Secretary of State on any appeal under this section shall be final.

37. Appeal in default of decision - Where an application for consent under the Order is made to the Council 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 Council, the Council 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 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Council, 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. Power to revoke or modify the consent under the order - (1) If it appears to the Council 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 Council may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of sections 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 a Council 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 Council, 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.

(5) Where a notice has been served in accordance with the provisions of sub-section (3) of this section, the 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 Section (2) of this section.

46. Unopposed revocation or modification of consent - (1) The following provisions shall have effect where the Council 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 Council's opinion will be affected by such Order have notified the Council in writing that they do not object to such Order.

(2) The Council 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 Council shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

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

(5) If within the period referred to in sub-section (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 sub-section (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.

IN WITNESS WHEREOF the Council have

caused their Common Seal to be

hereunto affixed this 6th

day of MAY 1977,

in the presence of

Sgd. J. T. Stanford
Chairman of the Council

Sgd. A. Roebuck
Chief Executive and Clerk

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

Tree Preservation Order No. 24, 1977

First Schedule

NOTE: All the trees, groups of trees, areas and woodlands described in this Schedule are situated in the Parish of Penkridge in South Staffordshire District, Ordnance Survey Sheet SJ 9114.

TREES SPECIFIED INDIVIDUALLY

(encircled black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Grid Reference</u>	<u>Situation</u>
T1	Norway Maple	SJ 9191/1407	Pinfold Lane, Penkridge
T2	Silver Maple	SJ 9192/1406	"
T3	Silver Maple	SJ 9192/1406	"
T4	Yew	SJ 9193/1405	"
T5	Beech	SJ 9193/1404	"
T6	Lime	SJ 9195/1403	"
T7	Beech	SJ 9196/1402	"
T8	Silver Maple	SJ 9191/1405	"
T9	Norway Maple	SJ 9191/1404	"

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Grid Reference</u>	<u>Situation</u>
-----NONE-----			

GROUPS OF TREE

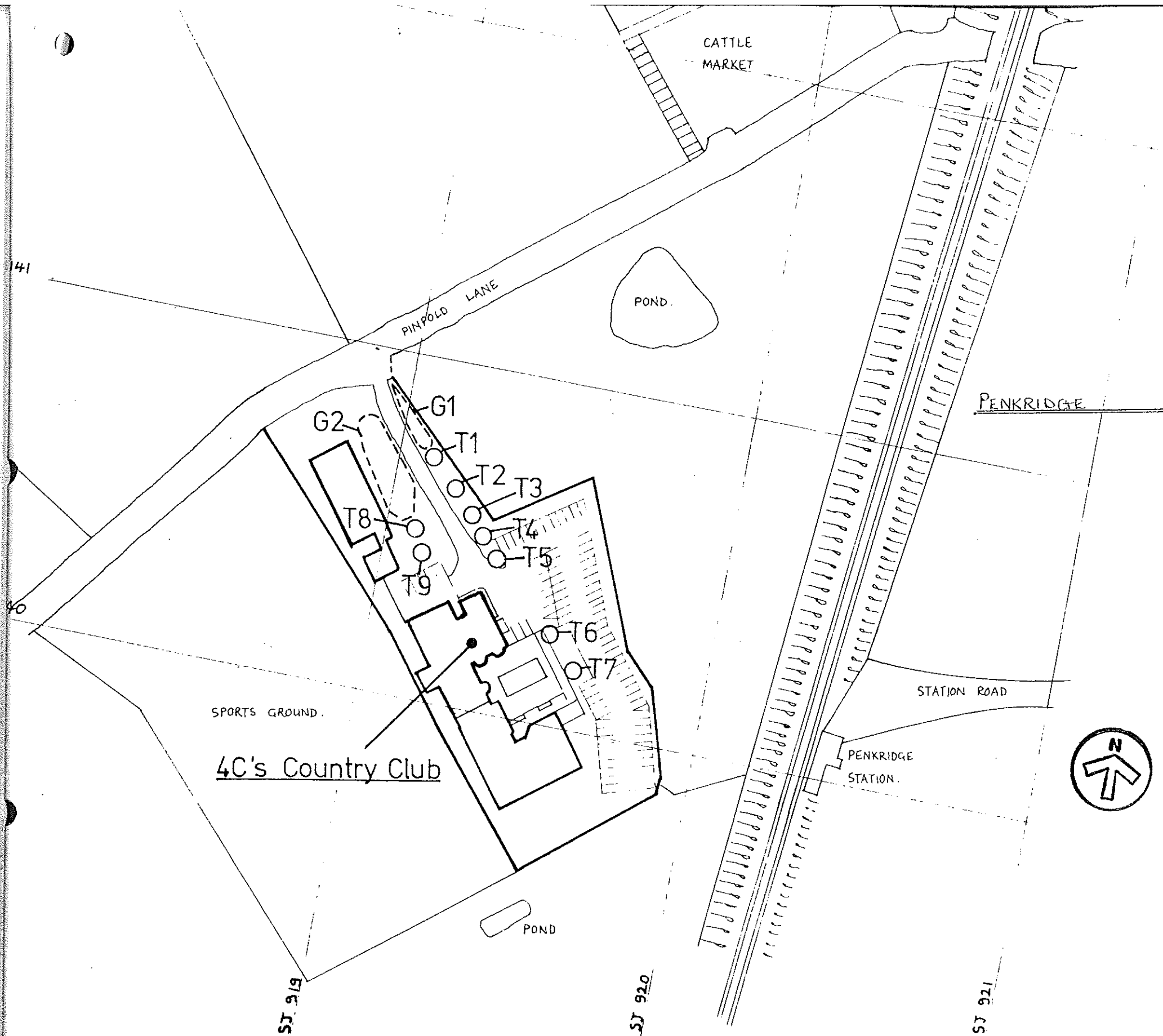
(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Grid Reference</u>	<u>Situation</u>
G1	Group consisting of 2 lime, 3 elm, 2 oak, and 1 sweet chestnut.	SJ 9190/1408	Pinfold Lane, Penkridge
G2	Group consisting of 5 elm and 1 ash.	SJ 9190/1406	"

WOODLANDS

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Grid Reference</u>	<u>Situation</u>
-----NONE-----			



SOUTH STAFFORDSHIRE DISTRICT COUNCIL

J.T.PERRY. Dip.T.P., M.R.T.P.I., Dip L.A., A.I.L.A.
CHIEF PLANNING OFFICER.

TREE PRESERVATION ORDER NO.24 1977.

Scale : 1-1250

Date : *May* 1977.

Drawn : MWD.

21480/24/77

LJL

South Staffordshire District Council

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS, 1969

NOTICE OF CONFIRMATION OF TREE PRESERVATION ORDER NO. 24(1977)

To:- Chief Planning Officer,
South Staffordshire District Council,
Codsall,
Wolverhampton.



NOTICE IS HEREBY GIVEN that the South Staffordshire District Council
in pursuance of their powers as Local Planning Authority under the Town and
Country Planning Act, 1971 and under Regulation 6 of the above mentioned
Regulations, have on the 21st day of JUNE 1977
confirmed (without modification) as an unopposed order the Tree Preservation
Order made by the said Council on 6th day of MAY
19 77.

DATED this 22nd day of JUNE 1977

Signed


Chief Executive and Clerk

South Staffordshire District Council,
Council Offices,
Codsall,
Wolverhampton. WV8 1PX.