

TREE PRESERVATION ORDER. No. 36 - 1970

TOWN AND COUNTRY PLANNING ACTS, 1962 and 1968.

~~[Civic Amenities Act 1967]*~~

THE SEISDON RURAL DISTRICT COUNCIL acting on behalf of THE STAFFORDSHIRE COUNTY COUNCIL 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 section 16 of the Civic Amenities Act, 1967]*, 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, 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 mortgagee in possession; and

"the Minister" means the Minister of Housing and Local Government/~~Secretary of State for Wales~~.

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 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 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 interests 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 Minister 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.

* Include only where Order contains a direction under section 16 of the Civic Amenities Act, 1967.

† When Tree Preservation Order is made by a District Council on behalf of a County Council an application for consent should be made to the District Council. See also note at foot of this page.

‡ Map to be a scale of not less than 25 inches to one mile, except in the case of large-woodlands when the scale shall be 6 inches to one mile.

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 for the felling of which a licence is required under the Forestry Act, 1967, application must 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)).

(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

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

24. Appeal in default of decision.—Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

(a) give notice to the applicant of their decision on the application; or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27. Power to revoke or modify the consent under the order.—(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) (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 Minister; and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice 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 Minister, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

(b) Town and Country Planning Act 1968.

80. Unopposed revocation or modification of consent.—(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 Minister 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.

(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 Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister 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 Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

(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 Minister, 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 Minister as aforesaid and the Minister 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 Minister as required by section 27 (2) of the Town and Country Planning Act 1962.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister 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.

GIVEN under the Common Seal of the
SEISDON RURAL DISTRICT COUNCIL

the twenty eighth day of
September in the year
nineteen hundred and seventy



E. Watgfuld

Chairman

A. Barker

Clerk

In the Parish of Trysull and Seisdon

Situation

Description

No. on
Map

(within a broken black line on the Map).
GROUPS OF TREES

SEISDON RURAL DISTRICT COUNCIL

Tree Preservation Order No. 36, 1970

FIRST SCHEDULE

NOTE: All the trees, groups of trees, and woodlands described in this schedule are situated in the Parishes of Trysull and Seisdon and Wombourne in Seisdon Rural District. All plot numbers referred to are Ordnance Survey Plot Numbers on 25 inch sheets: S08493, Revision of 1959; S08494, Revision of 1959; S08593, Revision of 1960; S08594, Revision of 1959; S08693, Revision of 1960 and S08694, Revision of 1960.

TREES SPECIFIED INDIVIDUALLY (encircled in black on the Map)

No. on Map	Description	Situation
<u>In the Parish of Trysull and Seisdon</u>		
T 1	Oak	In Plot No. 8922
T 2	Beech	do.
T 3	Robinia	do.
T 4	Robinia	do.
T 5	Horse chestnut	do.
T 6	Robinia	In Plot No. 2022
T 7	Scots pine	do.
T 8	Birch	do.
T 9	Beech	do.
T10	Oak	do.
T11	Birch	do.
T12	Oak	do.
T13	Birch	do.
T14	Walnut	do.
T15	Elm	do.
T16	Horse chestnut	In Plot No. 0815
T17	Yew	In Plot No. 2022
T18	Red oak	do.
T19	Sycamore	do.
T20	Ash	do.
T21	Yew	do.
T22	Yew	do.
T23	Robinia	do.
T24	Yew	do.
T25	Yew	do.
T26	Horse chestnut	In Plot No. 0710
T27	Horse chestnut	do.
T28	Birch	do.
T29	Ash	do.
T30	Sycamore	On boundary between Plot Nos. 0710 and 0815
T31	Ash	In Plot No. 0600
T32	Ash	do.
T33	Robinia	do.
T34	Birch	do.
T35	Elm	On boundary between Plot Nos. 0600 and 2022
T36	Elm	do.
T37	Elm	In Plot No. 2022
T38	Elm	do.
T39	Yew	do.
T40	Sycamore	In Plot No. 0800
T41	Elm	In Plot No. 2022
T42	Elm	do.
T43	Willow	On boundary between Plot Nos. 2022 and 3238
T44	Elm	On boundary between Plot Nos. 4036 and 6838
T45	Elm	On boundary between Plot Nos. 3800 and 6838
T46	Elm	On boundary between Plot Nos. 2022 and 3800

No. on Map	Description	Situation
T47	Scots pine	In Plot No. 2022
T48	Cherry	do.
T49	Yew	do.
T50	Birch	do.
T51	Cypress	do.
T52	Cypress	do.
T53	Cypress	do.
T54	Rowan	do.
T55	Yew	do.
T56	Turkey oak	do.
T57	Elm	On boundary between Plot Nos. 2022 and 2523
		On boundary between Plot Nos. 2022 and 2620
T59	Elm	do.
T60	Elm	do.
T61	Willow	In Plot No. 2022
T62	Willow	do.
T63	Sycamore	On boundary between Plot Nos. 2413 and 3800
		do.
T65	Elm	In Plot No. 1488
T66	Ash	On boundary between Plot Nos. 0678 and 9856
T67	Beech	In Plot No. 1979
T68	Sycamore	On boundary between Plot Nos. 1979 and 2778
T69	Sycamore	do.
T70	Black poplar	In Plot No. 2778
T71	Elm	do.
T72	Sycamore	do.
T73	Thorn	On boundary between Plot Nos. 2778 and 3800
T74	Oak	do.
T75	Thorn	do.
T76	Sycamore	In Plot No. 8235
T77	Oak	do.
T78	Oak	do.
T79	Oak	do.
T80	Oak	do.
T81	Cherry	In Plot No. 9232
T82	Willow	In Plot No. 8100
T83	Alder	do.
T84	Alder	do.
T85	Oak	In Plot No. 0002
T86	Oak	do.
T87	Oak	do.
T88	Oak	do.
T89	Oak	In Plot No. 0078
T90	Oak	do.
T91	Oak	In Plot No. 2869
T92	Oak	On boundary between Plot Nos. 0057 and 2869
T93	Ash	On boundary between Plot Nos. 0057 and 2041
T94	Elm	In Plot No. 2041
		<u>In the Parish of Wombourne</u>
T95	Elm	On boundary between Plot Nos. 3140 and 3321
		<u>In the Parish of Trysull and Seisdon</u>
T96	Willow	In Plot No. 2323
T97	Sweet chestnut	In Plot No. 2013

No. on Map	Description	Situation
147	Scots pine	In Plot No. 2022
148	Cherry	do.
149	Yew	do.
150	Birch	do.
151	Cypress	do.
152	Cypress	do.
153	Cypress	do.
154	Rowan	do.
155	Yew	do.
156	Turkey oak	do.
157	Elm	do.
159	Elm	On boundary between Plot Nos. 2022 and 2523
160	Elm	On boundary between Plot Nos. 2022 and 2620
161	Willow	do.
162	Willow	do.
163	Willow	In Plot No. 2022

TREES SPECIFIED BY REFERENCE TO AN AREA
(Within a dotted black line on the Map)

No. on Map	Description	Situation
<u>In the Parish of Trysull and Seisdon</u>		
A 1	The several ash, elm and alder standing in the area numbered A 1 on the Map.	In Plot Nos. 2042 and 3745.
A 2	The several willow and alder standing in the area numbered A 2 on the Map.	In Plot No. 2641
A 3	The several oak, elm, wych elm, beech, lime, ash, hornbeam, horse chestnut and yew standing in the area numbered A 3 on the Map.	In Plot No. 8922
A 4	The several sycamore, elm, robinia, oak, lime, sweet chestnut and yew standing in the area numbered A 4 on the Map.	do.
A 5	The several horse chestnut, elm, red oaks, black poplar, scots pine and Corsican pine standing in the area numbered A 5 on the Map.	In Plot Nos. 0600 and 0800
A 6	The several elm standing in the area numbered A 6 on the Map.	On boundary between Plot Nos. 0600 and 2022
A 7	The several elm, and ash standing in the area numbered A 7 on the Map.	On boundaries between Plot Nos. 3800 and 4829; and 4829 and 6325.
A 8	The several elm standing in the area numbered A 8 on the Map.	On boundaries between Plot Nos. 2022 and 3800; and in Plot No. 2022.
A 9	The several elm standing in the area numbered A 9 on the Map.	On boundary between Plot Nos. 2022 and 3800
A10	The several elm standing in the area numbered A.10 on the Map.	do.
A11	The several elm, willow, robinia, oak, Corsican pine, yew and holly standing in the area numbered A11 on the Map.	In Plot No. 2022
A12	The several elm, oak, ash, sycamore and thorn standing in the area numbered A12 on the Map.	On boundaries between Plot Nos. 1483 and 1979; 1979 and 2288; 2000 and 2288; 2000 and 3800; 2288 and 2778; 2288 and 2781; 2288 and 3800; 2413 and 3800; and 2781 and 3800.
A13	The several willow and alder standing in the area numbered A13 on the Map.	In Plot Nos. 6325, 7500 and 8235.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
A14	The several alder standing in the area numbered A14 on the Map.	In Plot No. 8235
A15	The several willow and alder standing in the area numbered A15 on the Map.	In Plot Nos. 7500 and 9312
A16	The several alder, ash and willow standing in the area numbered A16 on the Map.	In Plot No. 7500
A17	The several ash, alder, oak and thorn standing in the area numbered A17 on the Map.	do.
A18	The several alder standing in the area numbered A18 on the Map.	In Plot No. 7790
A19	The several alder, willow, sycamore, elm and black poplar standing in the area numbered A19 on the Map.	In Plot Nos. 6381, 6881 and 7500 and on boundary between Plot Nos. 5381 and 6379.
A20	The several willow and alder standing in the area numbered A20 on the Map.	In Plot No. 5167
A21	The several Scots pine and Corsican pine standing in the area numbered A21 on the Map.	In Plot No. 3365
<u>In the Parishes of Trysull and Seisdon and Wombourne.</u>		
A22	The several willow and oak standing in the area numbered A22 on the Map.	In Plot No. 0002 in the Parish of Trysull and Seisdon and in Plot No. 1200 in the Parish of Wombourne.
<u>In the Parish of Wombourne</u>		
A23	The several willow and oak standing in the area numbered A23 on the Map.	On boundary between Plot Nos. 1200 and 2600, and in Plot No. 2600.
A24	The several willow standing in the area numbered A24 on the Map.	In Plot No. 1200
A25	The several elm standing in the area numbered A25 on the Map.	In Plot No. 3648

FIRST SCHEDULE
 Tree Preservation Order No. 36, 1970
 SEISDON RURAL DISTRICT COUNCIL

GROUPS OF TREES
 (within a broken black line on the Map).

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
<u>In the Parish of Trysull and Seisdon</u>		
G 1	Group consisting of 2 copper beech, 1 yew, 1 Irish yew and 1 holly.	In Plot No. 2022
G 2	Group consisting of 4 willow.	In Plot No. 0600
G 3	Group consisting of 3 yew.	In Plot Nos. 1300 and 2022
G 4	Group consisting of 3 elm.	On boundary between Plot Nos. 2413 and 3800
G 5	Group consisting of 5 elm.	do.
G 6	Group consisting of 4 sycamore.	On boundary between Plot Nos. 2000 and 9856.
G 7	Group consisting of 2 elm.	On boundary between Plot Nos. 1488 and 2288
G 8	Group consisting of 4 elm, 2 thorn and 1 birch.	On boundary between Plot Nos. 2778 and 3800
G 9	Group consisting of 3 elm.	On boundary between Plot Nos. 2778 and 6379
G10	Group consisting of 5 alder.	In Plot No. 8235.
G11	Group consisting of 6 alder.	do.
G12	Group consisting of 3 alder.	In Plot No. 8500.
G13	Group consisting of 3 oak.	In Plot No. 0078
<u>In the Parish of Wombourne</u>		
G14	Group consisting of 4 elm	In Plot No. 3648.
G15	Group consisting of 7 elm	On boundaries between Plot Nos. 3140 and 3648; and 3648 and 4764.
<u>In the Parish of Trysull and Seisdon</u>		
G16	Group consisting of 3 elm.	In Plot No. 2323.
<u>In the Parish of Wombourne.</u>		
G17	Group consisting of 3 elm.	On boundary between Plot Nos. 3200 and 3321.
<u>In the Parish of Trysull and Seisdon</u>		
G18	Group consisting of 4 Irish yew.	In Plot No. 2013.

WOODLANDS

(within a continuous black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
<u>In the Parish of Trysull and Seisdon</u>		
W 1	Broadleaved woodland consisting mainly of oak, ash, sycamore, willow, alder and thorn.	Plot No. 0018.

STAFFORDSHIRE COUNTY COUNCIL
SEISDON RURAL DISTRICT COUNCIL
TREE PRESERVATION ORDER NO. 36, 1969/70

ORDNANCE SHEETS - SO8493, REVISION OF 1959
SO8494, " " " 1960
SO8593, " " " 1959
SO8594, " " " 1960
SO8693, " " " 1959
SO8694, " " " 1960

SCALE : 1/2500

Given under the Common Seal of
the Seisdon Rural District Council
the twenty eighth day of September
in the year nineteen hundred and
seventy

Edwin Ford Clerk
Chairman

