

FIRST SCHEDULE (Continued)

No. on Map

Description

Situation

SECOND SCHEDULE

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

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
- (2) to the cutting down, topping or lopping of any tree—
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of 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;
 - (f) by or at the request of 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;
 - (g) where immediately required for the purpose of carrying out development authorised by a 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.

* Here insert any other general or specific exceptions.

- (h) by or at the request of a River Board established under the River Boards Act, 1948, 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 functions of the Board in relation to the Maintenance, improvement or construction of water courses or of drainage works.

THIRD SCHEDULE

Provisions of Parts III and VII of the Act as adapted and modified to apply to this Order.

Reference of applications to the Minister.

22.—(1) The Minister 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.

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

22.—(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22.—(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply to an application which falls to be determined by the authority. *has they apply*

22.—(5) Before determining an application referred to him under this section the Minister 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 Minister for the purpose.

22.—(6) The decision of the Minister on any application referred to him under this section shall be final.

Appeals against decisions.

23.—(1) Where an application is made to the authority 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 Minister.

23.—(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23.—(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23.—(5) Before determining an appeal under this section, the 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.

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

Appeal in default of decision.

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

(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 this 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.

Power to revoke or modify the order.

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

27.—(2) 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.

27.—(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 on the owner 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.

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

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

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

Supplementary provisions as to revocation and modification.

118.—(1) Where any person is affected by an order under section 27 of this Act, or by a notice served on him under subsection (3) of the said section in a case where the order is not confirmed then, if, on a claim made to the authority within the time and in the manner prescribed by Article 14 of the Order, it is shown that he—

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or

(b) has otherwise sustained loss or damage which is directly attributable to the revocation, modification, or stay of operations,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

118.—(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

118.—(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done during that period.

Given under the Common Seal of the Seisdon Rural District Council

tenth day of February.

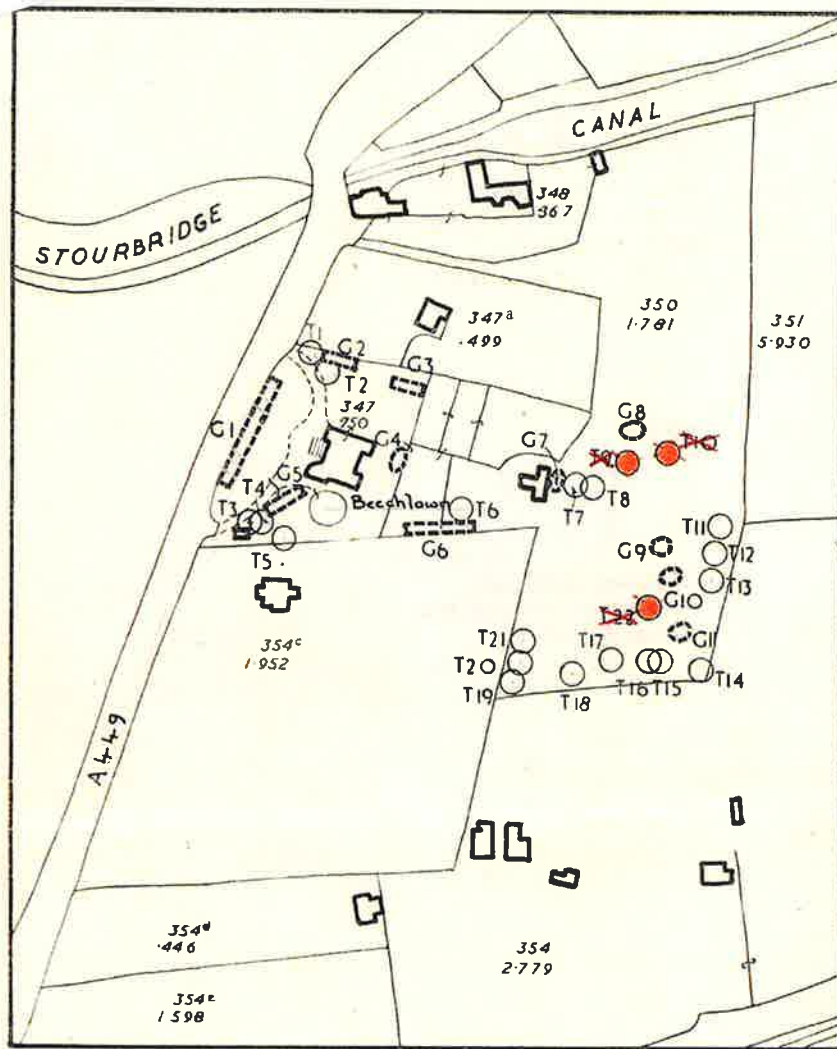
in the year nineteen hundred and sixty-four

The Seal was hereunto affixed

in the presence of
Thomas Reece
CHAIRMAN

Clerk.





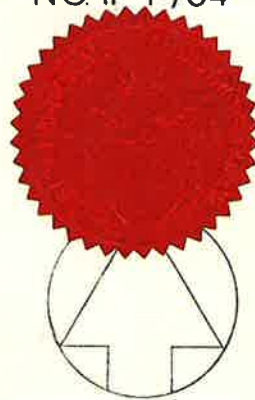
STAFFORDSHIRE COUNTY COUNCIL
SEIDON RURAL DISTRICT COUNCIL
TREE PRESERVATION ORDER NO. II 1964

TRACED FROM AN ENLARGEMENT OF
ORDNANCE SURVEY SHEET:
STAFFORDSHIRE LXX.12 EDITION OF 1922

Thomas Price
CLERK

A. D. D. D.
CLERK

SCALE 1:1250



SEISDON RURAL DISTRICT COUNCIL - TREE PRESERVATION ORDER NO. 11 1964

FIRST SCHEDULE

NOTE: All the trees, groups of trees, and woodlands described in this schedule are situated in the Parish of Kinver in Seisdon Rural District. All plot numbers referred to are Ordnance Survey plot numbers of 25 inch sheet Staffordshire LXX.12 Edition of 1922.

TREES SPECIFIED INDIVIDUALLY
(Uncoloured and encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Sycamore	In Plot No. 347
T2	Copper beech	ditto
T3	Cypress	ditto
T4	Holly	ditto
T5	Copper beech	ditto
T6	Sessile oak	In Plot No. 350
T7	Birch	ditto
T8	Birch	ditto
T9	Sessile oak	ditto
T10	Sessile oak	ditto
T11	Birch	ditto
T12	Birch	ditto
T13	Oak (Quercus Mirbeckii)	ditto
T14	Lime	ditto
T15	Birch	ditto
T16	Birch	ditto
T17	Scots pine	ditto
T18	Red oak	ditto
T19	Birch	ditto
T20	Birch	ditto
T21	Birch	ditto
T22	Birch	ditto

TREES SPECIFIED BY REFERENCE TO AN AREA
(Uncoloured and within a dotted black line on the map)

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

GROUPS OF TREES

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Group consisting of 5 cypress 2 Irish yew and 3 Austrian pine	In Plot No. 347
G2	Group consisting of 4 birch	ditto
G3	Group consisting of 3 lime	ditto
G4	Group consisting of 3 Scots pine	ditto
G5	Group consisting of 2 cypress and 1 Douglas fir	ditto
G6	Group consisting of 6 lime	In Plot Nos. 347 and 350
G7	Group consisting of 4 birch	In Plot No. 350
G8	Group consisting of 2 sycamore, 2 sessile oak and 2 thorn	ditto
G9	Group consisting of 2 birch	ditto
G10	Group consisting of 2 birch and 1 sessile oak.	ditto
G11	Group consisting of 2 birch	ditto

WOODLANDS

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



HLG 14961
The Minister of Housing and Local Government in exercise of the powers
conferred upon him by *Section 28(6)* of the Town
and Country Planning Act 1962 hereby confirms the foregoing order provisionally.

Given under the official seal of the Minister
of Housing and Local Government

19th February 1964
 S. G. G. WILKINSON

Assistant Secretary,
Ministry of Housing and Local Government.

DG

HLG 15481

The Minister of Housing and Local Government hereby confirms the foregoing
Order subject to the modifications shown in red ink thereon.

Given under the official seal of the
Minister of Housing and Local Government

on 17th April 1964
 S. G. G. WILKINSON
Assistant Secretary,
Ministry of Housing and Local Government