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NORTHAVON DISTRICT COUNCIL

Town and Country Planning Acts 1971-74

NORTHAVON DISTRICT COUNCIL (FACTORY ROAD  
WINTERBOURNE) TREE PRESERVATION ORDER, 1976

Checked/DH

THE NORTHAVON DISTRICT COUNCIL in this order called "the authority", in pursuance of the powers conferred in that behalf by sections 60 and 61 of the Town and Country Planning Act, 1971, and subject to the provisions of the Forestry Act 1967, hereby makes the following order:-

1. In this Order:-

"the Act" means the Town and Country Planning Act, 1971;  
"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 Secretary of State" means the Secretary of State for the Environment.

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, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction or 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 here 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 specifying 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.

NOTE: If it is desired to fell any of the trees included in the 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 not be made to the authority for consent under this Order, but to the Conservations of Forests for a licence under that Act (section 15(5)).

46.--(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.

46.--(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

46.--(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.

46.--(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.

46.--(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 this Part of the Act or under Part IV or V thereof.

The Common Seal of  
NORTHAVON DISTRICT COUNCIL  
was hereunto affixed this  
16th day of JUNE one  
thousand nine hundred and seventy six

In the presence of:

(Sgd) D. WINSTONE  
Chairman of the Council

(Sgd) F. MAUDE  
Clerk & Chief Executive Officer

FIRST SCHEDULE\*

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

No. on Map	Description	Situation
T.1	Oak	
T.2	Horse Chestnut	

TREES SPECIFIED BY REFERENCES TO AN AREA

(within a dotted black line on the map)

No. on Map	Description	Situation
	None	

GROUPS OF TREES

(within a broken black line on the map)

No. on Map	Description	Situation
	None	

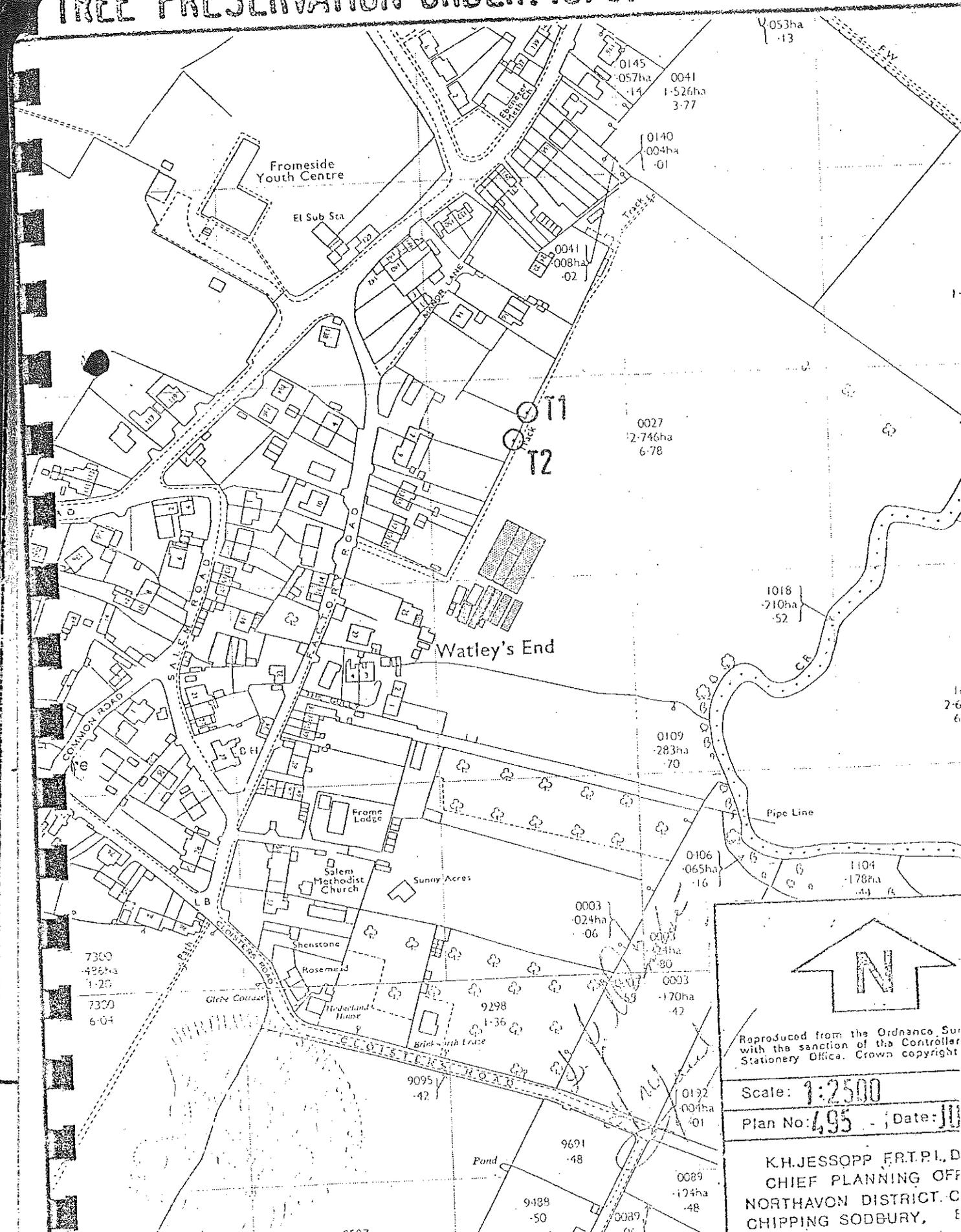
WOODLANDS

(within a continuous black line on the map)

No. on Map	Description	Situation
	None	

\*Every heading should be included in the Schedule, and the word "NONE" written in where necessary.

AND COUNTRY PLANNING ACT 1971.  
 NORTHAVON DISTRICT COUNCIL.  
 FACTORY ROAD, WINTERBOURNE.  
 TREE PRESERVATION ORDER. 1976.



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Scale: 1:2500

Plan No. 495 - ; Date: 11

K.H. JESSOPP F.R.T.P.L.D.  
 CHIEF PLANNING OFF  
 NORTHAVON DISTRICT C  
 CHIPPING SODBURY, E