TOWN AND COUNTRY PLANNING ACT 1962.

TREE PRESERVATION ORDER

THE WARRINGTON RURAL DISTRICT COUNCIL acting on behalf of the Lancashire 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 subject to the provisions of section 15 of the Forestry Act 1967 and section 16 of the Civic Amenities Act 1967 make the following Order which is declared to be the subject of a direction as provided for by section 16 (1) of the Civic Amenities Act 1967 and thereby takes effect provisionally from and including the **19th** day of **December,** 1968 and shall continue in force by virtue of this section until the expiration of the period of six months beginning with the date on which the order was made, or until the date on which the Minister confirms the order or notifies the local planning authority that he does not propose to confirm it, whichever first occurs.

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.

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, and a certified copy of which has been deposited for inspection at the Council Offices, Museum Street, Warrington, 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 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 consent relates, and the operations for the carrying out of which consent is required.

4.   (1)   Where an application for consent is made 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