

*Dated*

23rd May

1966 .

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CITY OF ST. ALBANS

COUNTY OF HERTFORD

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**TOWN AND COUNTRY PLANNING ACT, 1962.**

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**TREE PRESERVATION ORDER**

relating to

Land at Abbey Mill Area, St. Albans

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The Minister of Land and Natural Resources in exercise of the powers conferred upon him in that behalf hereby confirms the foregoing order subject to the modifications shown in red ink thereon.

In Witness whereof the Official Seal of the Minister of Land and Natural Resources is hereunto affixed on 7th October 1966.

OFFICIAL  
SEAL

(sgd.) JEAN HORSHAM

Authorised by the Minister

(2) Any direction given under paragraph (1) of this Article may include requirements as to :—

- (a) species ;
- (b) number of trees per acre ;
- (c) the erection and maintenance of fencing necessary for protection of the replanting ;
- (d) the preparation of ground, draining, removal of brushwood, lop and top ; and
- (e) protective measures against fire.

7.—The provisions set out in the Third Schedule to this Order, being provisions of Parts III and VII of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

8.—Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

9.—In assessing compensation payable under the last preceding Article or under Section 118 of the Act as applied by this Order, account shall be taken of :—

- (a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 29 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

11.—Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

12.—Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of Section 62 of the Act and liable on summary conviction to a fine not exceeding fifty pounds ; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

FIRST SCHEDULE

*No. on Map.*

*Description.*

*Situation.*

SEE SCHEDULE ANNEXED

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.
- (h) by or at the request of the Minister of Aviation where in his opinion 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;
- (i) by or at the request of 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 functions of such River Authority or Drainage 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.

22. Reference of applications to the Minister.—(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.

(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 Minister accordingly.

(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 as they apply to an application which falls to be determined by the authority.

(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.

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

23. Appeals against decisions.—(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.

(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.

(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.

\*Here insert any other general or specific exceptions.

**TREE PRESERVATION ORDER.** No. 18  
Land at Abbey Mill Area, St. Albans  
**TOWN AND COUNTRY PLANNING ACT, 1962.**

The Mayor Aldermen and Citizens of the City of St. Albans acting on behalf of the County Council of the Administrative County of Hertford (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 13 of the Forestry Act, 1951, 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; a 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 Land and Natural Resources.

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 for the map made~~ ~~signed by the Clerk of the authority and deposited for~~ ~~inspection at the office of the authority at~~ ~~such place as shall be specified in the order~~ ~~and a certified copy of which has been deposited at~~ ~~such place as shall be specified in the order~~ 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, of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland character of the area, and shall not impose conditions on such consent relating to replanting.~~

~~Provided that on imposing any condition requiring the replacement of any tree, the authority shall if such condition relates to land in respect of which byelaws made by a river authority or a drainage board restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws, and that any such condition shall be subject to the requirements of the river authority or drainage board and those byelaws, and the condition shall have effect accordingly.~~

5.—Where they may when refusing or granting consent that

- (a) that the refusal or consent shall be subject to conditions for which they are so refusing
- (b) in the case of trees other than those which have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell trees 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 provisions of this Order replant the said land in accordance with the direction.

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 are trees for the felling of which a licence is required under the Forestry Act, 1951, application must be made not to the authority for consent under this Order but to the Forestry Commissioners for a licence under that Act (see Forestry Act, 1951, section 13 (1)).

FIRST SCHEDULE

No. on Map

Description

Situation

TREES SPECIFIED INDIVIDUALLY

None

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

- |     |  |                                 |
|-----|--|---------------------------------|
| A.1 | The trees of various species, mainly in the form of a hedgerow, and consisting mainly of Sycamore, Hawthorn and Elder, standing within the area numbered A.1 on the map.   | Abbey Mill House,<br>St. Albans |
| A.2 | The trees of various species, consisting mainly of Cupressus, Holly, Yew and Sycamore, standing within the area numbered A.2 on the map.   | -do-                            |
| A.3 | The trees of various species, consisting mainly of Pine, Cupressus, Yew, Wellingtonia, and Sycamore, standing within the area numbered A.3 on the map.   | -do-                            |
| A.4 | The trees of various species, consisting mainly of Yew, Cupressus, Sycamore, Beech, Pine, Thuya, Holly and Wellingtonia, <del>and including many saplings,</del> standing within the area numbered A.4 on the map.   | -do-                            |
| A.5 | The trees of various species, consisting mainly of Hawthorn, Ash, Walnut and Elder, and standing within the area numbered A.5 on the map.  | -do-                            |
| A.6 | The trees of various species, <del>including many saplings,</del> consisting mainly of Sycamore, Elm, Ash, Larch, Hawthorn, Pine, Horse Chestnut and Hazelnut, and standing within the area numbered A.6 on the map. | Abbey Mill,<br>St. Albans       |

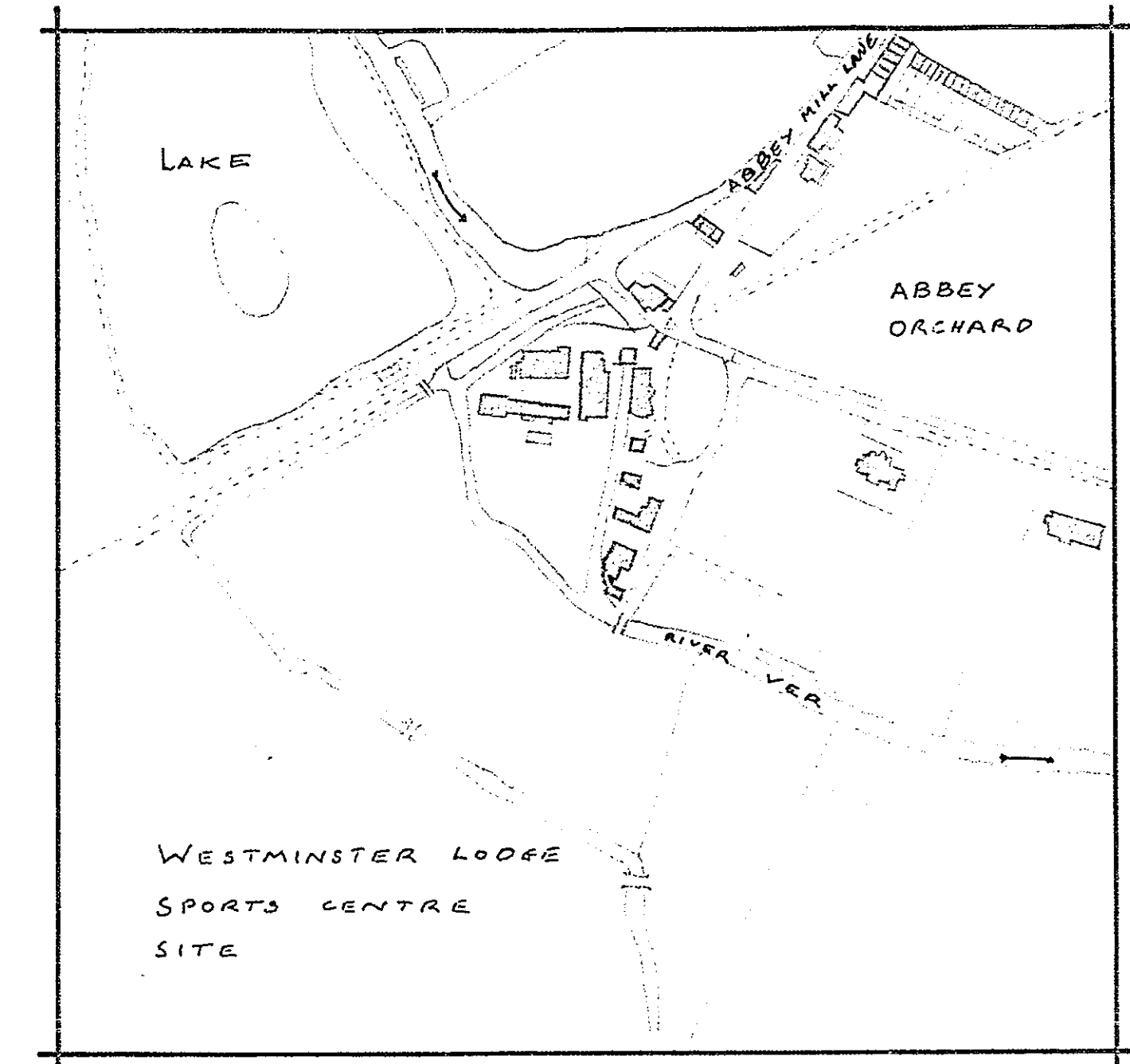
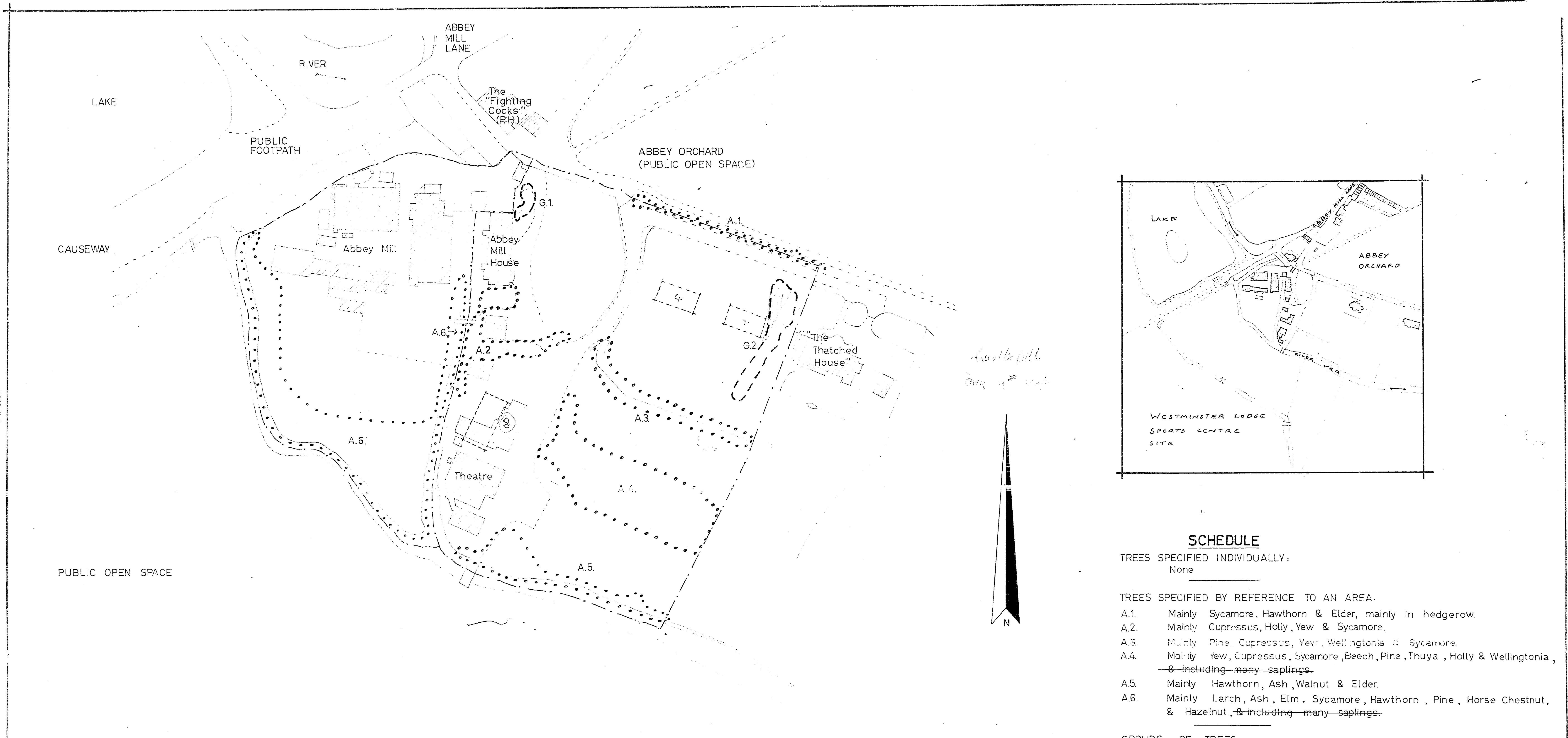
GROUPS OF TREES

(within a broken black line on the map)

- |     |  |                                 |
|-----|--|---------------------------------|
| G.1 | 0<br>4 Cupressus and 2 Rqbinia               | Abbey Mill House,<br>St. Albans |
| G.2 | 1 Silver Birch, 1 Cupressus and<br>5-8 Picea | -do-                            |

WOODLANDS

None



**SCHEDULE**

TREES SPECIFIED INDIVIDUALLY:  
None

TREES SPECIFIED BY REFERENCE TO AN AREA:

- A.1. Mainly Sycamore, Hawthorn & Elder, mainly in hedgerow.
- A.2. Mainly Cupressus, Holly, Yew & Sycamore.
- A.3. Mainly Pine, Cupressus, Yew, Wellingtonia & Sycamore.
- A.4. Mainly Yew, Cupressus, Sycamore, Beech, Pine, Thuja, Holly & Wellingtonia, & including many saplings.
- A.5. Mainly Hawthorn, Ash, Walnut & Elder.
- A.6. Mainly Larch, Ash, Elm, Sycamore, Hawthorn, Pine, Horse Chestnut, & Hazelnut, & including many saplings.

GROUPS OF TREES:

- G.1. 4 Cupressus & 2 Rabinia.
- G.2. 1 Silver Birch, 1 Cupressus & 5 Picea.

WOODLANDS:  
None

- Boundary of land ownership
- Possible site of new development

CITY OF ST. ALBANS

**TREE PRESERVATION ORDER NO. 18**

**LAND AT ABBEY MILL AREA ST. ALBANS**

A.S. MOODY CITY ENGINEER & SURVEYOR, 16 ST. PETERS STREET, ST. ALBANS

SCALES: 1:500 1:2500      DATE: MARCH 1966