

Dated *28th September* 19 72

CITY OF ST. ALBANS
COUNTY OF HERTFORD

TOWN AND COUNTRY PLANNING ACT 1971.

TREE PRESERVATION ORDER

relating to

45 King Harry Lane, St.Albans.

(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.—On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment 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 or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those byelaws and the condition or direction shall have effect accordingly.

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

9.—Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) 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 loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered 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.

10.—In assessing compensation payable under the last preceding Article account shall be taken of :

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 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.

11.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it 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 Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.

12.—Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13.—(1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on *28th September 1972* .†

~~[(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.]‡~~

NOTE: Any person contravening the provisions of this Order is guilty of an offence under section 102 of the Act and liable on summary conviction to a fine not exceeding £50 ; 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 £2 for every day on which the contravention is so continued. If a tree is wilfully cut down or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £250 or twice the value of the tree whichever is the greater. If a tree other than the one which is part of a woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement, to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

† This provision is not to be included unless it appears to the authority that the Order should take effect immediately

‡ This provision may be included in relation to trees to be planted pursuant to a condition imposed under Section 59 of the Act.

TREE PRESERVATION ORDER. No. 88 1972

TOWN AND COUNTRY PLANNING ACT 1971.

The Mayor Aldermen & 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 Sections 60 [and 61*] of the Town and Country Planning Act 1971, 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 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/~~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 Secretary of State 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 175 of the Act, replant the said land in accordance with the direction.

* Include only where Order contains a direction under section 61 of the Act.

† 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)).

TREE PRESERVATION ORDER NO. 88

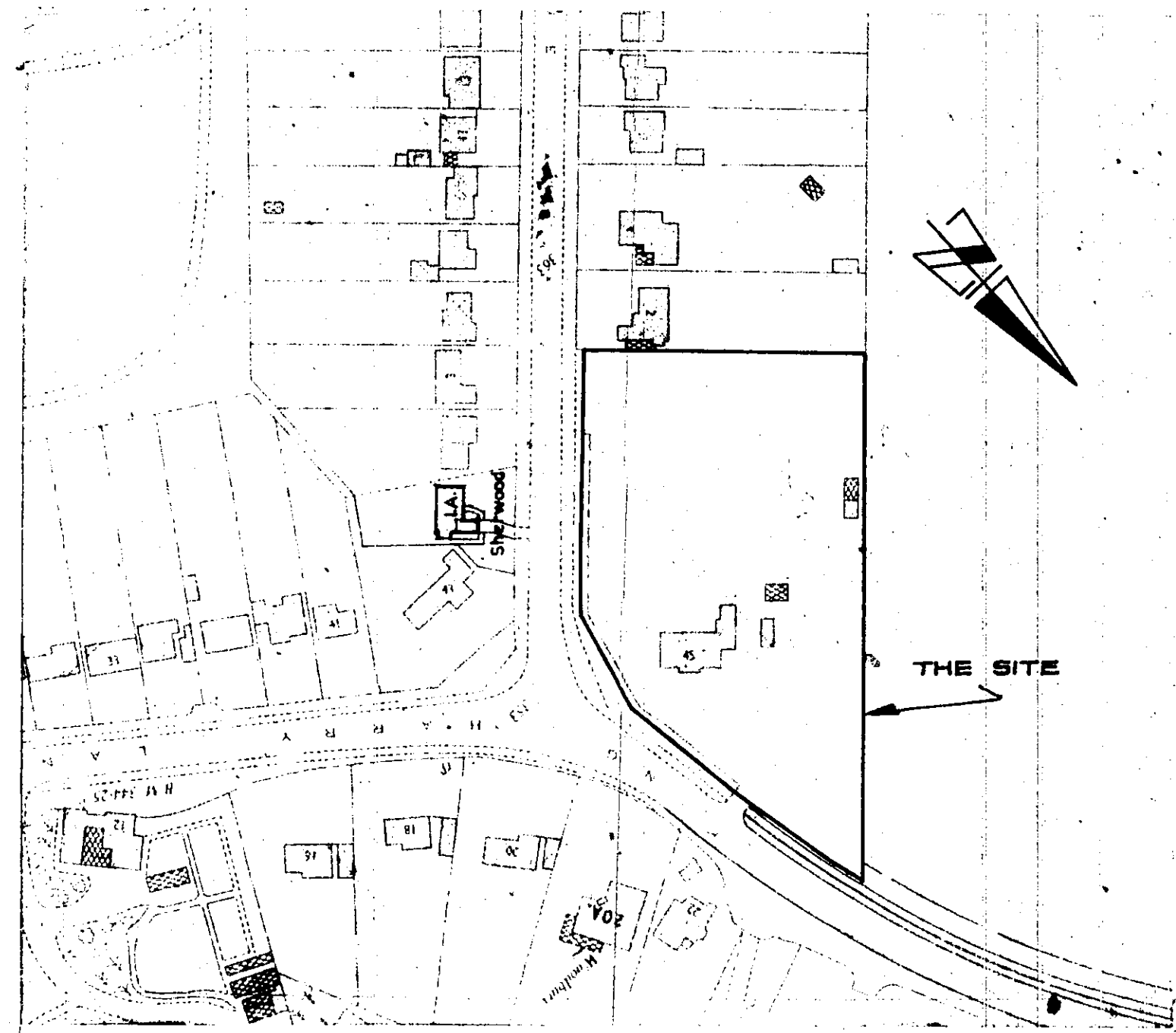
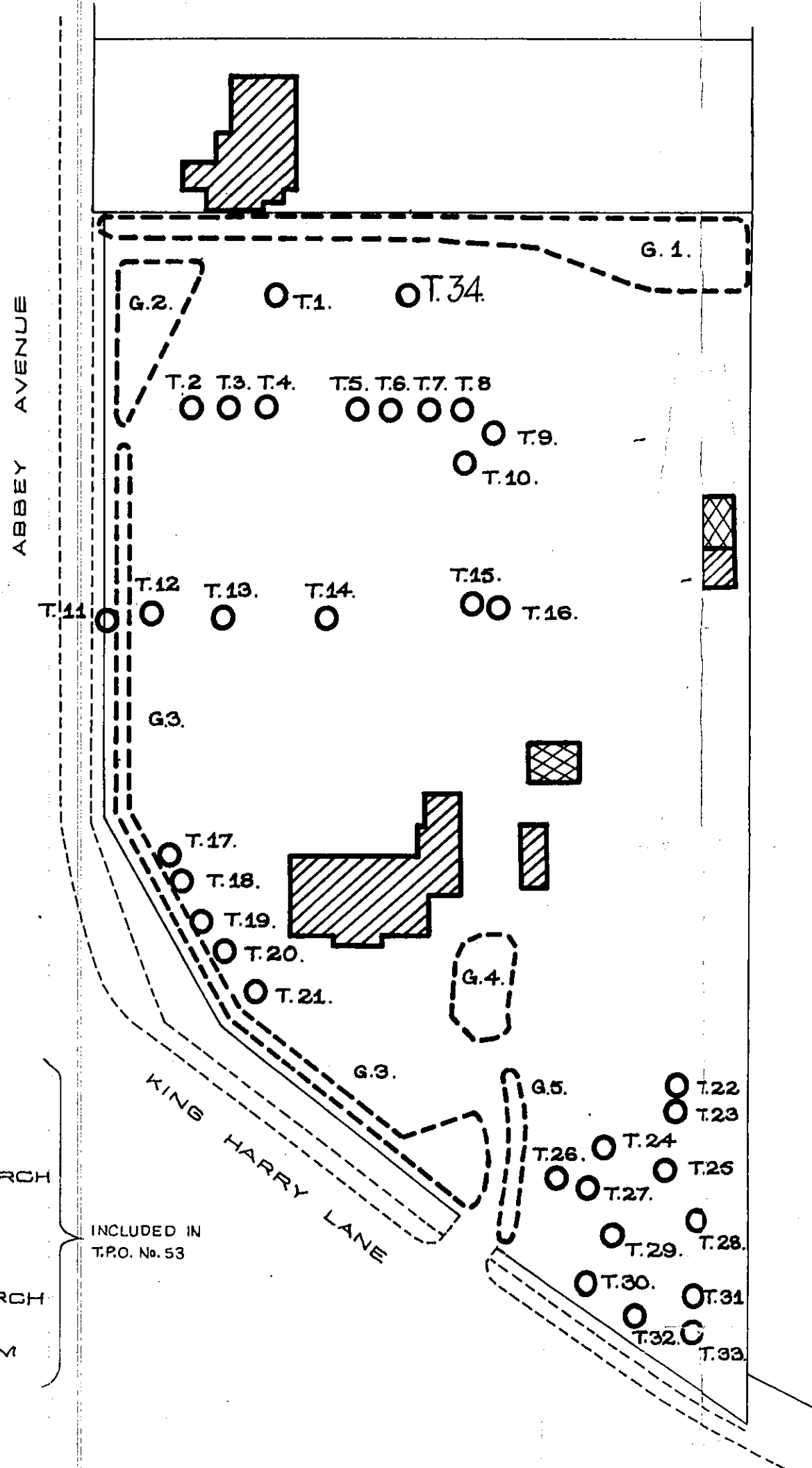
T.34. THUYA

- T. 1. CHERRY
- T. 2. THUYA
- T. 3. THUYA
- T. 4. THUYA
- T. 5. THUYA
- T. 6. THUYA
- T. 7. THUYA
- T. 8. LABURNUM
- T. 9. CHERRY
- T. 10. PRUNUS
- T. 11. COPPER BEECH
- T. 12. ALMOND
- T. 13. CEDAR
- T. 14. CEDAR
- T. 15. SILVER BIRCH
- T. 16. SWEDISH WHITEBEAM
- T. 17. THORN
- T. 18. PRUNUS
- T. 19. CRAB
- T. 20. SILVER BIRCH
- T. 21. SILVER BIRCH
- T. 22. LABURNUM
- T. 23. SILVER BIRCH
- T. 24. CUPRESSUS
- T. 25. CUPRESSUS
- T. 26. MOUNTAIN ASH
- T. 27. PRUNUS
- T. 28. CUPRESSUS
- T. 29. CUPRESSUS
- T. 30. MOUNTAIN ASH
- T. 31. CUPRESSUS
- T. 32. SILVER BIRCH
- T. 33. SILVER BIRCH

INCLUDED IN
T.P.O. No. 53

- | | | |
|-------|--------------|----------------|
| G. 1. | 30 CUPRESSUS | 1 THUYA |
| | 3 LABURNUM | 2 HOLLY |
| | 1 ASH | 1 CRAB |
| | 1 CHERRY | 1 SILVER BIRCH |
| G. 2. | 17 CUPRESSUS | |
| G. 3. | 17 CUPRESSUS | 68 THUYA |
| G. 4. | 1 HOLLY | 3 SILVER BIRCH |
| | 2 YEW | 1 THORN |
| | 3 THUYA | 1 LABURNUM |
| G. 5. | 6 BOX ELDER | |

INCLUDED IN
T.P.O. No. 53



45, KING HARRY LANE, ST. ALBANS

A.S. MOODY, M.I.C.E., F.I.M.U.E., A.M.T.P.I.
CITY ENGINEER AND SURVEYOR
16, ST. PETERS STREET, ST. ALBANS.

SCALES : 1/500 & 1/1250 FILE NO. TP/7/11 (88)