

7/19/3/10  
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LANCASHIRE COUNTY COUNCIL  
TOWN AND COUNTRY PLANNING ACT, 1947

THE LANCASHIRE COUNTY COUNCIL (CLITHEROE  
RURAL DISTRICT)  
TREE PRESERVATION ORDER, 1957, NO. 1.

THE LANCASHIRE COUNTY COUNCIL (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, 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, 1947;  
"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 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 marked "The Lancashire County Council (Clitheroe Rural District) Tree Preservation Order 1957 No. 1" signed by the Deputy Clerk of the Authority and deposited for inspection at the office of the Clerk of the County Council, County Hall, Preston, and a certified copy of which has been similarly deposited at the office of the Clerk of the Clitheroe Rural District Council, Council Offices, Church Brow, Clitheroe, 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 interest 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 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.

(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.

*insert new Article 7*

87. 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.

98. 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.

109. In assessing compensation payable under the last preceding Article or under Section 22 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 28 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.

110. (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 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.

111. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

112. Any person contravening the provisions of this Order is guilty of an offence under subsection (6) of Section 28 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.

#### **New Article 7 to be inserted**

**7. On imposing any condition requiring the replacement of any tree under Article 4 of this 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 board 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 or direction has effect subject to the requirements of the river board or drainage board under those byelaws and the condition or direction shall have effect accordingly.**

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>Number on Map</u>	<u>Description of Trees</u>	<u>Situation</u>
		Plots referred to are Ordnance Survey Plot Nos on 25" sheets Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938)
		<u>In the Clitheroe Rural District</u>
T.1	Oak	On the boundary between plot nos. 269 and 270.
T.2	"	" " " " plot nos. 269 and 270.
T.3	"	In plot no. 269.
T.4	Elm	" " " 269.
T.5	Oak	" " " 179.
T.6	"	On the boundary between plot nos. 179 and 255.
T.7	"	" " " " plot nos. 179 and 255.
T.8	"	" " " " plot nos. 179 and 255.
T.9	Alder	" " " " plot nos. 179 and 255.
T.10	Oak	" " " " plot nos. 179 and 255.
T.11	"	In Plot no. 179.
T.12	"	On the boundary between plot nos. 162 and 179.
T.13	"	" " " " plot nos. 162 and 179.
T.14	"	In Plot no. 162.
T.15	"	" " " 162.
T.16	"	" " " 162.
T.17	"	" " " 162.
T.18	Ash	On the boundary between plot nos. 164 and 179.
T.19	Oak	" " " " plot nos. 162 and 164.
T.20	"	" " " " plot nos. 162 and 164.
T.21	"	" " " " plot nos. 162 and 164.
T.22	Horse Chestnut	In Plot no. 164.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheets  
Lancashire LV - 6 (Edition of  
1932) and LV - 10 (Revision of  
1938)

In the Clitheroe Rural District.

T.23	Sycamore	On the boundary between plot nos. 143 and 162.
T.24	"	" " " " plot nos. 143 and 162.
T.25	"	" " " " plot nos. 143 and 162.
T.26	Oak	" " " " plot nos. 143 and 162.
T.27	Sycamore	" " " " plot nos. 143 and 162.
T.28	"	" " " " plot nos. 143 and 162.
T.29	Elm	" " " " plot nos. 143 and 162.
T.30	"	" " " " plot nos. 143 and 162.
T.31	Sycamore	" " " " plot nos. 143 and 162.
T.32	"	" " " " plot nos. 143 and 162.
T.33	Oak	" " " " plot nos. 162 and 164.
T.34	"	" " " " plot nos. 143 and 162.
T.35	"	" " " " plot nos. 162 and 164.
T.36	"	" " " " plot nos. 162 and 164.
T.37	Ash	" " " " plot nos. 143 and 164.
T.38	Oak	In Plot no. 164.
T.39	Sycamore	" " " 164.
T.40	"	" " " 164.
T.41	Oak	On the boundary between plot nos. 140 and 164.
T.42	Sycamore	In Plot no. 140.
T.43	Ash	On the boundary of plot no. 259.
T.44	Oak	" " " " " " 259.
T.45	"	In Plot no. 176.
T.46	Sycamore	On the east boundary of plot no. 166
T.47	Poplar	" " " " " " 166
T.48	Lime	In Plot no. 176.
T.49	"	" " " 176.
T.50	Sycamore	" " " 169.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance Survey Plot Nos on 25" sheets Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

T.51	Beech	On the east boundary of plot no. 166.
T.52	Sycamore	In Plot no. 169.
T.53	Poplar	On the east boundary of plot no. 176.
T.54	Birch	" " " " " " no. 176.
T.55	Horse Chestnut	" " " " " " no. 176.
T.56	Lime	" " " " " " no. 176.
T.57	Maple	" " " " " " no. 176.
T.58	Lime	" " " " " " no. 176.
T.59	Beech	" " " " " " no. 176.
T.60	Sycamore	In Plot no. 168.
T.61	Oak	On the boundary between plot nos. 134 and 135.
T.62	Ash	" " " " " plot nos. 134 and 135.
T.63	Oak	" " " " " plot nos. 133 and 134.
T.64	Alder	" " " " " plot nos. 133 and 134.
T.65	Horse Chestnut	" " " " " plot nos. 171 and 173.
T.66	Lime	In Plot no. 172.
T.67	Oak	On the boundary between plot nos. 171 and 173.
T.68	Lime	In Plot no. 172.
T.69	Maple	" " " 172.
T.70	Horse Chestnut	" " " 172.
T.71	Ash	On the boundary between plot nos. 132 and 173.
T.72	Elm	" " " " " plot nos. 132 and 173.
T.73	Ash	" " " " " plot nos. 133 and 173.
T.74	"	" " " " " plot nos. 132 and 133.
T.75	"	" " " " " plot nos. 132 and 133.
T.76	"	" " " " " plot nos. 132 and 133.
T.77	"	" " " " " plot nos. 133 and 135.
T.78	"	" " " " " plot nos. 133 and 135.
T.79	"	" " " " " plot nos. 133 and 135.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheets  
Lancashire LV - 6 (Edition of  
1932) and LV - 10 (Revision of  
1938).

In the Clitheroe Rural District.

T.80	Sycamore	In Plot no. 135.
T.81	"	On the boundary between plot nos. 10 and 130.
T.82	Oak	" " " " plot nos. 10 and 130.
T.83	Elm	" " " " plot nos. 10 and 11.
T.84	"	On the east boundary of Plot no. 11
T.85	"	" " " " " " " 11
T.86	"	" " " " " " " 11
T.87	Oak	On the boundary between plot nos. 11 and 18.
T.88	Elm	" " " " " plot nos. 11 and 18.
T.89	Ash	" " " " " plot nos. 11 and 18.
T.90	Elm	" " " " " plot nos. 11 and 18.
T.91	Ash	On the south boundary of Plot 18.
T.92	Elm	" " " " " " " 18.
T.93	"	" " " " " " " 18.
T.94	Ash	" " " " " " " 18.
T.95	Elm	On the north boundary of Plot No.
T.96	"	" " " " " " " No. 10.
T.97	"	" " " " " " " No. 10.
T.98	"	" " " " " " " No. 10.
T.99	"	" " " " " " " No. 10.
T.100	Beech	On the east boundary of Plot 166.
T.101	"	" " " " " " " 166.
T.102	"	" " " " " " " 166.
T.103	"	" " " " " " " 166.
T.104	Sycamore	" " " " " " " 166.
T.105	Beech	" " " " " " " 166.
T.106	"	" " " " " " " 166.
T.107	Ash	In Plot no. 139.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance Survey Plot Nos on 25" sheets Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

<u>Number on Map</u>	<u>Description of Trees</u>	<u>Situation</u>
T.108	Sycamore	South side of Station Road near the Library.
T.109	Lime	" " " " Road near the Library.
T.110	"	South of Grammar School.
T.111	"	" " " "
T.112	Ash	South-east of Grammar School.
T.113	Lime	South of Grammar School.
T.114	Ash	At the Junction of King Street and Brookes Lane.
T.115	Elm	In Plot no. 135.
T.116	"	On the south boundary of Plot No. 135.
T.117	"	" " " " " " " No. 135.
T.118	"	Near the " " " " " No. 135.
T.119	Oak	" " " " " " " No. 135.
T.120	Ash	" " " " " " " No. 135.
T.121	Oak	" " " " " " " No. 135.
T.122	Ash	" " " " " " " No. 135.
T.123	"	In Plot no. 135.
T.124	"	" " " 135.
T.125	Alder	Near the south boundary of Plot No. 135.
T.126	Oak	In Plot no. 135.
T.127	Elm	On the boundary between Plot Nos. 110 and 113.
T.128	Ash	" " " " Plot Nos. 110 and 113.
T.129	Sycamore	" " " " Plot Nos. 110 and 113.
T.130	Elm	" " " " Plot Nos. 110 and 112.
T.131	Beech	Near the south boundary of Plot No. 112.
T.132	Lime	In Plot no. 82.
T.133	"	" " " 82.
T.134	Sycamore	" " " 82.
T.135	"	On the south of the Mill Race near Plot No. 87 a.
T.136	"	Immediately west of the Weir.



Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheets  
Lancashire LV - 6 (Edition of  
1932) and LV - 10 (Revision of  
1938).

In the Clitheroe Rural District.

T.137	Oak	In Plot No. 100.
T.138	"	" " " 100.
T.139	Ash	" " " 100.
T.140	Oak	" " " 100.
T.141	Sycamore	" " " 100.
T.142	Ash	" " " 100.
T.143	Sycamore	" " " 100.
T.144	"	" " " 100.
T.145	"	" " " 100.
T.146	"	" " " 100.
T.147	Lime	East side Clitheroe Road about 180 yards north of War Memorial.
T.148	Ash	East side Clitheroe Road about 175 yards north of War Memorial.
T.149	Lime	East side Clitheroe Road about 150 yards north of War Memorial.
T.150	"	East side Clitheroe Road about 130 yards north of War Memorial.
T.151	"	In the grounds of the Methodist Church, King Street.
T.152	Beech	Immediately south of the Methodist Church, King Street.
T.153	Sycamore	Immediately north of the junction of King Street and Woodlands Drive.
T.154	"	At the junction of King Street and Woodlands Drive.
T.155	Beech	IN PLOT NO. 82.

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map.)

N O N E

GROUPS OF TREES

(Within a broken black line on the map)

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheet  
Lancashire LV - 6 (Edition of  
1932) & LV - 10 (Revision of 1938)

G.1

Group consisting of  
2 Beech, 2 Elm, 1  
Sycamore and 2 Lime.

In the Clitheroe Rural District.  
In Plot No. 259.

Number  
on Map

Description  
of Trees

Situation.

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheet  
Lancashire LV - 6 (Edition of 1932)  
& LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

G.2	Group consisting of 3 Sycamore, 1 Ash, 1 Poplar and 1 Beech, 2 Horse Chestnut and 3 Elm.	In Plot No. 177.
G.3	Group consisting of 3 Sycamore, 1 Elm, 1 Horse Chestnut, 1 Corsican Pine and 1 Beech.	In Plot No. 259.
G.4	Group consisting of 3 Sycamore, 2 Elm, 1 Maple and 1 Beech.	In Plot No. 259
G.5	Group consisting of 2 Beech, 1 Horse Chestnut and 2 Corsican Pine.	In Plot No. 259.
G.6	Group consisting of 2 Oak	On the boundary between Plot Nos. 162 and 179.
G.7	Group consisting of 1 Oak, 1 Ash.	On the boundary between Plot Nos. 164 and 179.
G.8	Group consisting of 2 Oak	On the boundary between Plot Nos. 164 and 178.
G.9	Group consisting of 1 Corsican Pine, 1 Horse Chestnut and 1 Birch.	In Plot No. 164 a.
G.10	Group consisting of 1 Corsican Pine, and 1 Sycamore.	In Plot No. 164 a.
G.11	Group consisting of 3 Beech, 1 Sycamore and 1 Birch.	In Plot No. 164 a.
G.12	Group consisting of 1 Sycamore and 1 Beech.	In Plot No. 164.
G.13	Group consisting of 3 Beech, 2 Maple, 1 Lime, 1 Elm and 2 Corsican Pine.	In Plot No. 176.
G.14	Group consisting of 2 Elm, 2 Lime, 1 Sycamore and 1 Beech.	In Plot No. 176.

Number  
on Map.

Description  
of Trees

Situation.

Plots referred to are Ordnance  
Survey Plot Nos on 25" sheet  
Lancashire LV - 6 (Edition of  
1932) & LV - 10 (Revision of  
1938)

In the Clitheroe Rural District.

G.15	Group consisting of 3 Beech, 2 Sycamore, 1 Lime, 1 Elm, 1 Horse Chestnut and 1 Birch.	In Plot No. 176.
G.16	Group consisting of 2 Alder, 1 Ash.	On the south boundary of Plot No. 18
G.17	Group consisting of 3 Elm	" " " " of Plot No. 18
G.18	Group consisting of 3 Elm, 2 Ash and 1 Alder	On the boundary between Plot Nos. 11 and 17 a.
G.19	Group consisting of 1 Ash and 1 Elm.	" " " " Plot Nos. 10 and 11.
G.20	Group consisting of 1 Maple and 1 Elm.	In Plot No. 166.
G.21	Group consisting of 3 Birch.	In Plot No. 166.
G.22	Group consisting of 1 Beech and 1 Hornbeam.	In Plot No. 166.
G.23	Group consisting of 2 Sycamore and 1 Oak.	On the south boundary of Plot No. 164.
G.24	Group consisting of 2 Beech.	" " " " " " No. 166.
G.25	Group consisting of 1 Beech and 1 Sycamore.	" " " " " " No. 166.
G.26	Group consisting of 1 Beech, 1 Ash, 1 Lombardy Poplar, 1 Horse Chestnut, 1 Acacia and 2 Elm.	" " " " " " No. 166.
G.27	Group consisting of 2 Beech.	" " " " " " No. 166.
G.28	Group consisting of 2 Lime and 3 Beech.	" " " " " " No. 138.
G.29	Group consisting of 1 Oak and 1 Sycamore.	On the boundary between Plot Nos. 133 and 134.
G.30	Group consisting of 4 Sycamore.	In Plot No. 171.
G.31	Group consisting of 3 Sycamore.	In Plot No. 173.
G.32	Group consisting of 7 Beech and 3 Ash.	In Plot No. 166.

Number  
on Map

Description  
of Trees.

Situation.

Plots referred to are Ordnance Survey Plot Nos on 25" sheet Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

G.33	Group consisting of 2 Sycamore.	South side of Station Road near the Library.
G.34	Group consisting of 3 Sycamore, 1 Poplar, 6 Horse Chestnut.	On King Street near the junction with Brookes Lane.
G.35	Group consisting of 2 Horse Chestnut.	On the south side of Brookes Lane.
G.36	Group consisting of 5 Beech, 1 Sycamore, 1 Elm and 1 Ash.	At the east end of Brookes Lane.
G.37	Group consisting of 6 Elm and 1 Ash.	On the south boundary of Plot No. 135.
G.38	Group consisting of 2 Oak	Near the south boundary of Plot No. 135.
G.39	Group consisting of 2 Ash and 1 Alder	" " " " of Plot No. 135.
G.40	Group consisting of 2 Alder, 1 Elm.	" " " " of Plot No. 135.
G.41	Group consisting of 3 Alder.	" " " " of Plot No. 135.
G.42	Group consisting of 1 Elm and 1 Sycamore.	" " " " of Plot No. 135.
G.43	Group consisting of 7 Elm, 2 Alder, 1 Sycamore and 1 Ash.	" " " " of Plot No. 135.
G.44	Group consisting of 4 Elm, 2 Ash, 1 Oak and 1 Alder.	" " " " of Plot No. 135.
G.45	Group consisting of 2 Ash, 1 Beech and 2 Sycamore.	Immediately east of Whalley Bridge
G.46	Group consisting of 5 Elm, 3 Beech, 1 Sycamore and 2 Holly.	At the south end of Lord John Street.
G.47	Group consisting of 2 Sycamore.	Immediately west of the Weir.
G.48	Group consisting of 2 Sycamore and 1 Ash.	On the south of the Mill Race near Plot No. 87 a.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance Survey Plot Nos on 25" sheet Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

~~G.49~~

~~Group consisting of  
1 Beech and 1  
Scots Pine.~~

~~In Plot No. 82.~~

G.50

Group consisting of  
4 Lime.

In Plot No. 82.

WOODLANDS

(Within a continuous Black Line on Map)

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance Survey Plot Nos on 25" sheet Lancashire LV - 6 (Edition of 1932) and LV - 10 (Revision of 1938).

In the Clitheroe Rural District.

W.1

Stand of mixed hardwood  
consisting of Oak,  
Horse Chestnut, Sycamore,  
Ash, Beech and Elm.

In Plot No. 268.

W.2

Stand of mixed hardwood  
consisting of Ash, Oak,  
Sycamore, Elm and Beech.

In Plot No. 257.

W.3

Stand of mixed hardwood  
consisting of Sycamore,  
Oak and Beech.

In Plot No. 257.

W.4

Stand of mixed hardwood  
and some softwood  
consisting of Sycamore,  
Horse Chestnut, Birch,  
Lime, Maple, Ash, Elm  
and Corsican Pine.

In Plot No. 258.

W.5

Stand of mixed hardwood  
consisting of Lime, Horse  
Chestnut, Maple, Elm,  
Beech and Alder.

In Plot No. 259.

W.6

Stand of mixed hardwood  
consisting of Beech, Lime,  
Sycamore, Poplar, Horse  
Chestnut, Ash and Maple.

In Plot No. 259 a.

W.7

Stand of mixed hardwood  
and some softwood consisting  
of Elm, Beech, Sycamore,  
Poplar, Horse Chestnut,  
Lime, Birch and Corsican  
Pine.

In Plot No. 175.

Number  
on Map

Description  
of Trees

Situation

Plots referred to are Ordnance Survey Plot Nos on 25" sheet Lancashire IV - 6 (Edition of 1932) and IV - 10 (Revision of 1938).

In the Clitheroe Rural District.

W.8	Stand of mixed hardwood consisting of Sycamore, Poplar, Maple, Elm, Horse Chestnut, Rowan, Birch and Willow.	In Plot No. 164.
W.9	Stand of mixed hardwood consisting of Ash, Oak, Sycamore, Birch, Beech, and Elm.	In Plot No. 161.
W.10	Stand of mixed hardwood consisting of Horse Chestnut, Birch, Sycamore, Willow, Ash, Maple, and Elm.	In Plot No. 168.
W.11	Stand of mixed hardwood consisting of Beech, Oak, Horse Chestnut, Sycamore, Alder, Elm, Birch and Lime.	In Plot No. 172.
W.12	Stand of mixed hardwood consisting of Elm, Beech, Horse Chestnut, Ash and Sycamore.	In Plot No. 172.
W.13	Stand of mixed hardwood consisting of Oak, Elm, Sycamore, Lime, Ash, Birch and Rowan.	In Plot Nos. 15, 16, 16 a, and 95.
W.14	Stand of mixed hardwood consisting of Elm, Ash, Alder, Oak, Sycamore, Gean and Birch.	In Plots No. 131 and 174.
W.15	Stand of Pure Birch.	In Plot No. 112.
W.16	Stand of mixed hardwood consisting of Beech, Lime, Sycamore, Yew and Birch.	In Plot No. 89.

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 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 Part III of the Act as adapted and modified to apply to this Order.

Reference of applications to the Minister.

15. (1) The Minister may give direction to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.

(2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such application by the Authority.

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

Appeals to The Minister.

16. (1) Where application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

(2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

Revocation  
or  
modification  
of consent  
under the  
Order.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid.

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

Spplle-  
mentary  
provisions  
as to  
revocation  
and modi-  
fication.

22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 10 of the Order it is shown that he 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 has otherwise suffered 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.

(2) For the purpose of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

GIVEN under the Common Seal of the County Council  
for the County Palatine of Lancaster this twenty-  
ninth day of October One thousand nine hundred and  
fifty seven.

L.S.

C. P. H. McCALL.

Deputy Clerk of the County Council

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  
this sixteenth day of July nineteen  
hundred and fifty-nine.

L.S.

H. J. RYAN

Assistant Secretary  
Ministry of Housing and Local  
Government

LANCASHIRE COUNTY COUNCIL

TREE PRESERVATION ORDER 1957 NO. 1

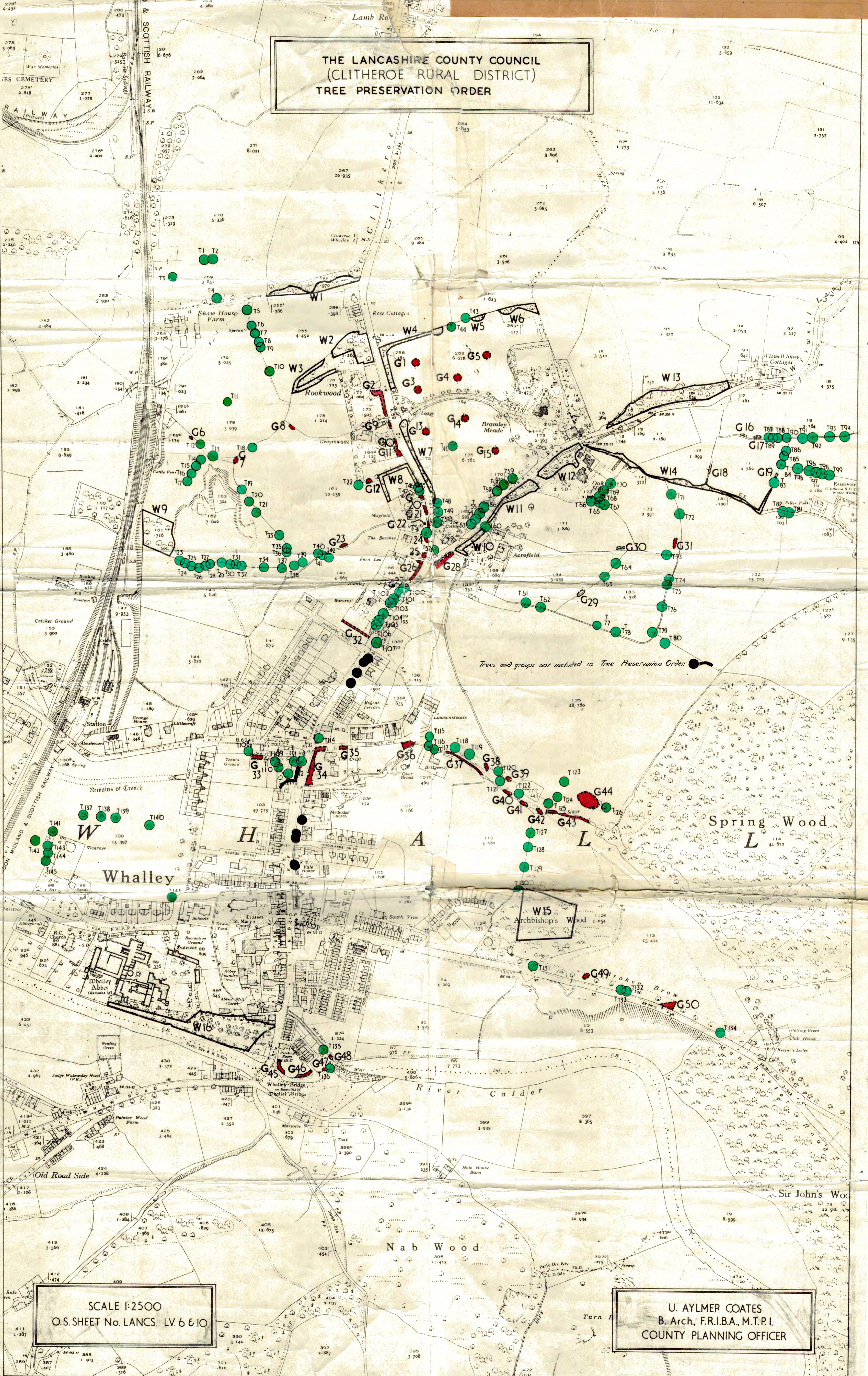
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Relating to the preservation of trees,  
groups of trees and woodland areas  
at Whalley in the Clitheroe Rural  
District.

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County Hall,  
Preston.

THE LANCASHIRE COUNTY COUNCIL  
(CLITHEROE RURAL DISTRICT)  
TREE PRESERVATION ORDER



Trees and groups not included in Tree Preservation Order

SCALE 1:2500  
O.S. SHEET No. LANC. LV. 6 & 10

U. AYLMEY COATES  
B. Arch. F.R.I.B.A., M.T.P.I.  
COUNTY PLANNING OFFICER