

SOKE OF

O/P395

SOKE OF PETERBOROUGH.

TOWN AND COUNTRY PLANNING ACT, 1947.

THE SOKE OF PETERBOROUGH (TREE PRESERVATION) (NO. 1) ORDER 1952.

WHEREAS the Soke of Peterborough County Council (hereinafter called "the Council") are the local planning authority under the Town and Country Planning Act 1947 for the County of the Soke of Peterborough wherein the lands described in the Schedule hereto are situate

AND WHEREAS it appears to the Council that it is expedient in the interests of amenity to make provision for the preservation of the trees mentioned in the said Schedule

NOW THEREFORE the Council in pursuance of the powers conferred on them by section 28 of the Town and Country Planning Act 1947 and of every other power in that behalf them thereunto enabling HEREBY ORDER as follows:-

1. THE cutting down, topping, lopping or wilful destruction of the trees specified in the Schedule hereto are prohibited except with the consent of the Council, which consent may be given subject to conditions.
2. IN relation to any consent required under paragraph 1 hereof and to any applications for such consent, the provisions of Part III of the Town and Country Planning Act 1947 shall apply as though any such application were an application for permission under the said Part III, with the exception of sections 19 and 20 of the said Act.
3. THE Council shall pay proper and reasonable compensation to any person in respect of damage or expenditure caused or incurred by him in consequence of the refusal of any consent required under this Order or of the grant of any such consent subject to conditions.
4. THE Interpretation Act 1889 shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

GIVEN under the Common Seal of the County Council of the Administrative County of the Soke of Peterborough this *Twenty sixth* day of *November* 1952.

Two Members of the Council having
the custody of the keys of the
Seal

S. M. Amies

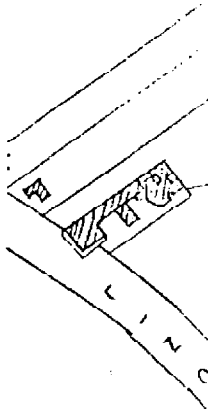
Spencer Evans

Eric G. Smith

Clerk of the County Council.

THE SCHEDULE referred to.

Eight trees situate in a field Ordnance Survey Number 81 for the Parish of Werrington in the County of Northampton (2nd Edition 1901) and three trees situate in an adjoining field Ordnance Survey number 82 for the said Parish as the said trees are for identification only more particularly delineated on the map attached hereto..

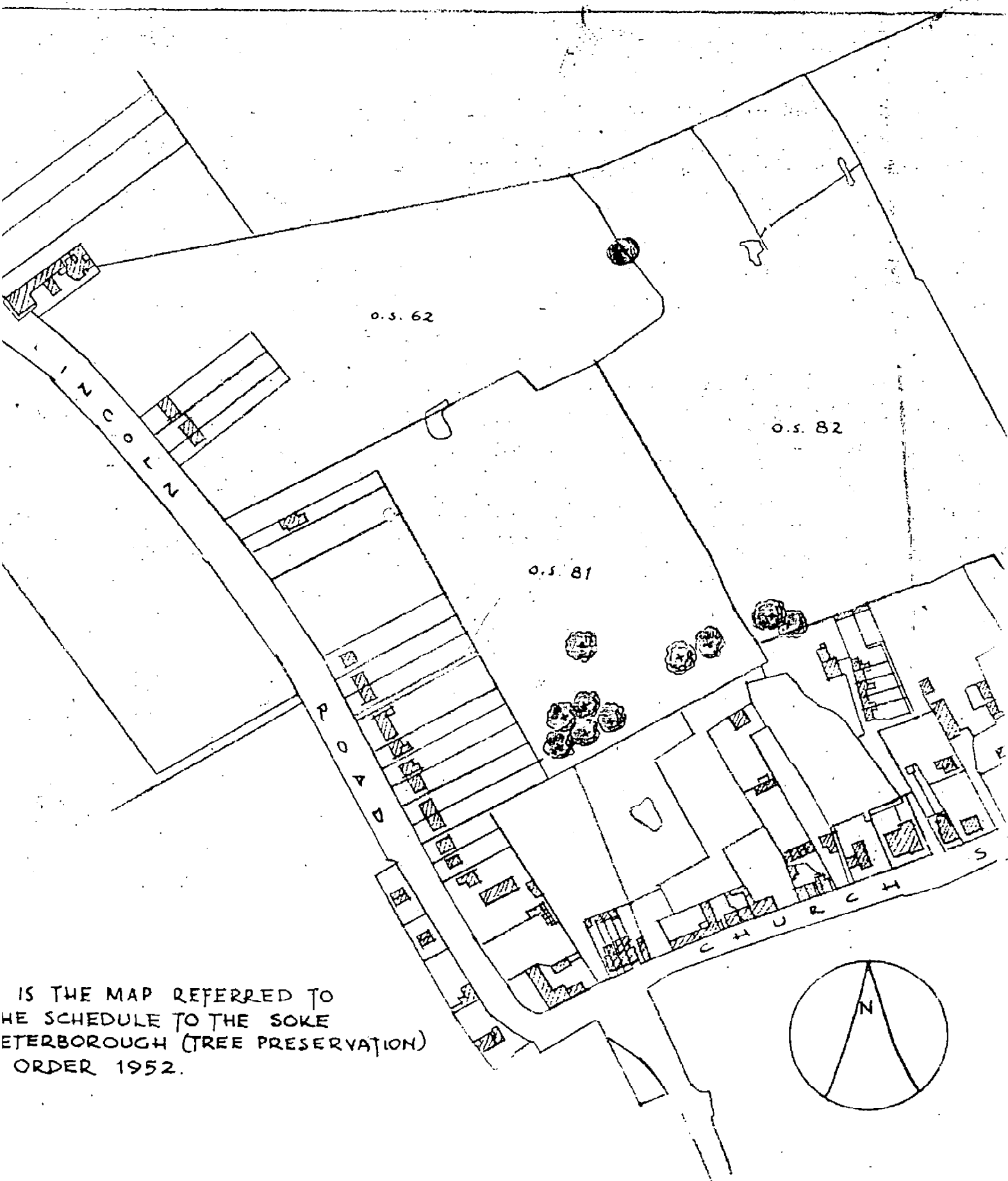


THIS IS THE
IN THE SCHEDULE
OF PETERBOROUGH
(No. 1) ORDER

~~TWO MEMBERS~~

NOVEMBER 1952
1280/207

SOKE OF PETERBOROUGH (TREE PRESERVATION) (No.1) ORDER 1952



IS THE MAP REFERRED TO
THE SCHEDULE TO THE SOKE
PETERBOROUGH (TREE PRESERVATION)
ORDER 1952.

(28th November, 1952)

P.783

The Minister of Housing and Local Government in exercise of the powers conferred upon him by the proviso to subsection (4) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order provisionally.

GIVEN under the official seal
of the Minister of Housing
and Local Government this
twenty eighth day of
November, nineteen hundred
and fifty-two.

W. S. A.
M. D. Wilson
Assistant Secretary,
Ministry of Housing and Local
Government.



(28th January, 1953)

P. 924

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the following modifications:-

1. In the first recital immediately before the word "Schedule" there shall be inserted the word "First".
immediately after the figures 1947 there shall be inserted the words "(hereinafter called "the Act")"
2. In the operative clause immediately before the words "HEREBY ORDER" there shall be inserted the words "and subject to the provisions of Section 13 of the Forestry Act, 1951".
3. In paragraph 1, after the word "Council", the remainder of the paragraph shall be omitted.
4. Immediately after paragraph 1 there shall be inserted the following two paragraphs -
 - "1A. An application for consent made to the Council under paragraph 1 of this Order shall be in writing stating the reasons for making the application, and shall specify the trees to which the application relates, and the operations for the carrying out of which consent is required, and where necessary for the identification of such trees shall be accompanied by a map or plan of a size or on a scale sufficient for the purpose."
 - "1B. Where an application for consent is made to the Council under this Order, the Council 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 Council may think fit, or may refuse consent."
5. For paragraph 2 there shall be substituted the following paragraph:-
 - "2. The provisions set out in the Second Schedule to this Order, being the provisions of Part III of the Act as adapted and modified for the purposes of this Order, shall apply in relation to any application made to the Council for consent under the Order and to any decision of the Council thereon."
6. For paragraph 3 there shall be substituted the following three paragraphs:-
 - "3. 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 in writing within six months of the date of such refusal or grant or where an appeal therefrom is made to the Minister of Housing and Local Government within six months of the date of the decision on the appeal be entitled to recover from the Council compensation in respect of such damage or expenditure."

DATED

1953

"3A. In assessing compensation payable under the last preceding paragraph, 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 or Interim Preservation Order, 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."

"3B. Any question of disputed compensation payable in accordance with the terms of this Order shall be determined in accordance with the provisions of Section 110 of the Act."

- 7. In the heading of the Schedule, immediately before the word "Schedule" there shall be inserted the word "First".
- 8. After the Schedule there shall be added the following further Schedule -

"THE SECOND SCHEDULE referred to

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

15(1) The Minister may give directions to the Council 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 Council, 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 paragraph 1B 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 applications by the Council:

Provided that before determining any such application the Minister shall, if either the applicant or the Council 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.

16(1) Where application is made to the Council for consent under the Order and that consent is refused by that Council or is granted by them subject to conditions, then if the applicant is aggrieved by their decision on the application, he may, by notice in writing served within 28 days from the receipt of notification of their decision, ~~certificate of objection~~, 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 of the Council, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the Council, whether or not the appeal relates to that part, and may deal with the application, as if it has 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

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by the Minister of an application referred to him under that
section.

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(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 Council, the Council either -

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- (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

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Further
the provisions of subsection (1) of this section shall apply in
relation to the application as if the consent to which it relates
had been refused by the Council, 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."

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GIVEN under the official seal of the
Minister of Housing and Local
Government this *twenty eighth*
day of January nineteen hundred
and fifty-three.

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W. H. C.
Assistant Secretary.
Ministry of Housing
and Local Government.

SOKE OF PETERBOROUGH

TOWN AND COUNTRY PLANNING ACT, 1947

THE SOKE OF PETERBOROUGH (TREE PRESERVATION)(No.1) ORDER 1952.

WHEREAS the Soke of Peterborough County Council (hereinafter called "The Council") are the local planning authority under the Town and Country Planning Act 1947 for the County of the Soke of Peterborough wherein the lands described in the Schedule hereto are situate.

AND WHEREAS it appears to the Council that it is expedient, in the interests of amenity to make provision for the preservation of the trees mentioned in the said Schedule.

NOW THEREFORE the Council in pursuance of the powers conferred on them by Section 28 of the Town and Country Planning Act 1947 and of every other power in that behalf them thereunto enabling HEREBY ORDER as follows:-

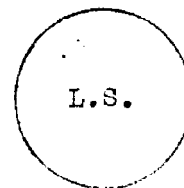
1. THE cutting down, topping, lopping or wilful destruction of the trees specified in the Schedule hereto are prohibited except with the consent of the Council which consent may be given subject to conditions.
2. IN relation to any consent required under paragraph 1 hereof and to any applications for such consent the provisions of Part III of the Town and Country Planning Act, 1947 shall apply as though any such application were an application for permission under the said Part III, with the exception of Sections 19 and 20 of the said Act.
3. THE Council shall pay proper and reasonable compensation to any person in respect of damage or expenditure caused or incurred by him in consequence of the refusal of any consent required under this Order or of the grant of any such consent subject to conditions.
4. THE Interpretation Act 1889 shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament

GIVEN under the Common Seal of the County of the Administrative County of the Soke of Peterborough this 26th day of November 1952

Two Members of the Council }
having the custody of the }
Keys of the Seal }

E.M.Amies

Spencer Evans



Eric P. Smith

Clerk of the County Council.

THE SCHEDULE referred to

Eight trees situate in a field Ordnance Survey Number 81 for the Parish of Werrington in the County of Northampton (2nd Edition 1901), and three trees situate in an adjoining field Ordnance Survey number 82 for the said Parish as the said trees are for identification only more particularly delineated on the map attached hereto.

(28th November, 1952)

P. 783

The Minister of Housing and Local Government in exercise of the powers conferred upon him by the proviso to subsection (4) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order provisionally.

GIVEN under the official seal
of the Minister of Housing
and Local Government this
twenty eighth day of
November, nineteen hundred
and fifty-two.

L.S.

F.H. Wiltshire.

Assistant Secretary,
Ministry of Housing and Local
Government.

(28th January, 1953)

P. 924

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the following modifications:-

1. In the first recital immediately before the word "Schedule" there shall be inserted the word "First".
2. In the operative clause immediately after the figures 1947 there shall be inserted the words "hereinafter called 'the Act'") and immediately before the words "HEREBY ORDER" there shall be inserted the words "and subject to the provisions of Section 13 of the Forestry Act, 1951."
3. In paragraph 1, after the word "Council", the remainder of the paragraph shall be omitted.
4. Immediately after paragraph 1 there shall be inserted the following two paragraphs -

"1A. An application for consent made to the Council under paragraph 1 of this Order shall be in writing stating the reasons for making the application, and shall specify the trees to which the application relates and the operations for the carrying out of which consent is required, and where necessary for the identification of such trees shall be accompanied by a map or plan of a size or on a scale sufficient for the purpose."

"1B. Where an application for consent is made to the Council under this Order, the Council 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 Council may think fit, or may refuse consent."

5. For paragraph 2 there shall be substituted the following paragraph :-

"2. The provisions set out in the Second Schedule to this Order, being the provisions of Part III of the Act as adapted and modified for the purposes of this Order, shall apply in relation to any application made to the Council for consent under the Order and to any decision of the Council thereon".

6. For paragraph 3 there shall be substituted the following three paragraphs:-

"3. 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 in writing within six months of the date of such refusal or grant or where an appeal therefrom is made to the Minister of Housing and Local Government within six months of the date of the decision on the appeal be entitled to recover from the Council compensation in respect of such damage or expenditure."

"3A. In assessing compensation payable under the last preceding paragraph, 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 or Interim Preservation Order, 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."

"3B. Any question of disputed compensation payable in accordance with the terms of this Order shall be determined in accordance with the provisions of Section 110 of the Act."

7. In the heading of the Schedule, immediately before the word "Schedule" there shall be inserted the word "First".
8. After the Schedule there shall be added the following further Schedule -

"THE SECOND SCHEDULE referred to

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

15(1) The Minister may give directions to the Council 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 Council, 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 paragraph 1B 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 applications by the Council;

Provided that before determining any such application the Minister shall, if either the applicant or the Council 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.

16(1) Where application is made to the Council for consent under the Order and that consent is refused by that Council or is granted by them subject to conditions, then if the applicant is aggrieved by their decision on the application, he may, by notice in writing served within 28 days from the receipt of notification of their decision, 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 of the Council, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the Council, whether or not the appeal relates to that part, and may deal with the application, as if it has 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 Council, the Council 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

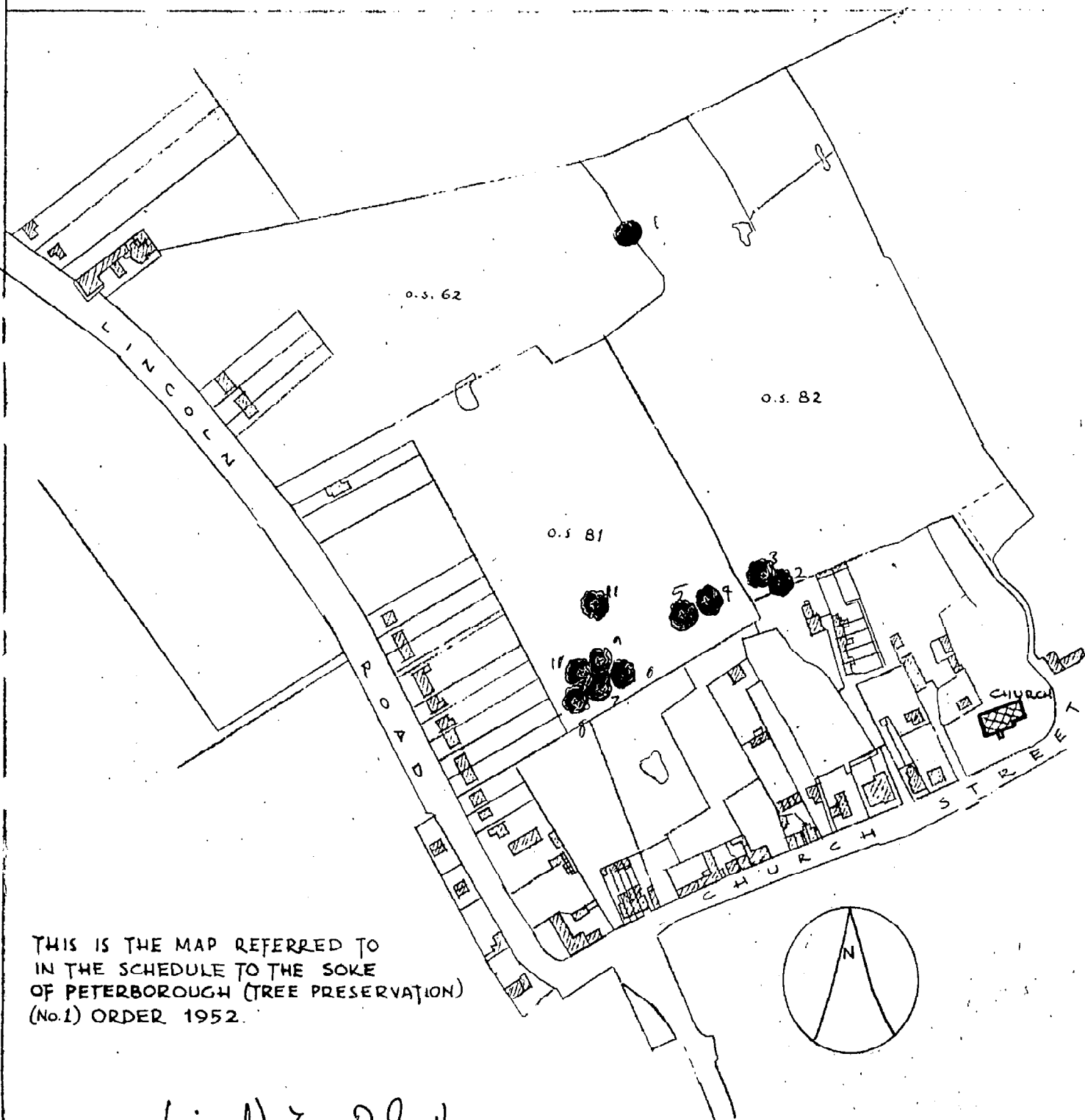
the provisions of subsection (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the Council, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be."

GIVEN under the official seal of the
Minister of Housing and Local
Government this twenty-eighth day
of January nineteen hundred and
fifty-three.

L. S.

F. H. Wiltshire
Assistant Secretary.
Ministry of Housing and
Local Government.

SOKE OF PETERBOROUGH (TREE PRESERVATION) (No.1) ORDER 1952



THIS IS THE MAP REFERRED TO
IN THE SCHEDULE TO THE SOKE
OF PETERBOROUGH (TREE PRESERVATION)
(No.1) ORDER 1952.

(Signed) Eric P. Smith

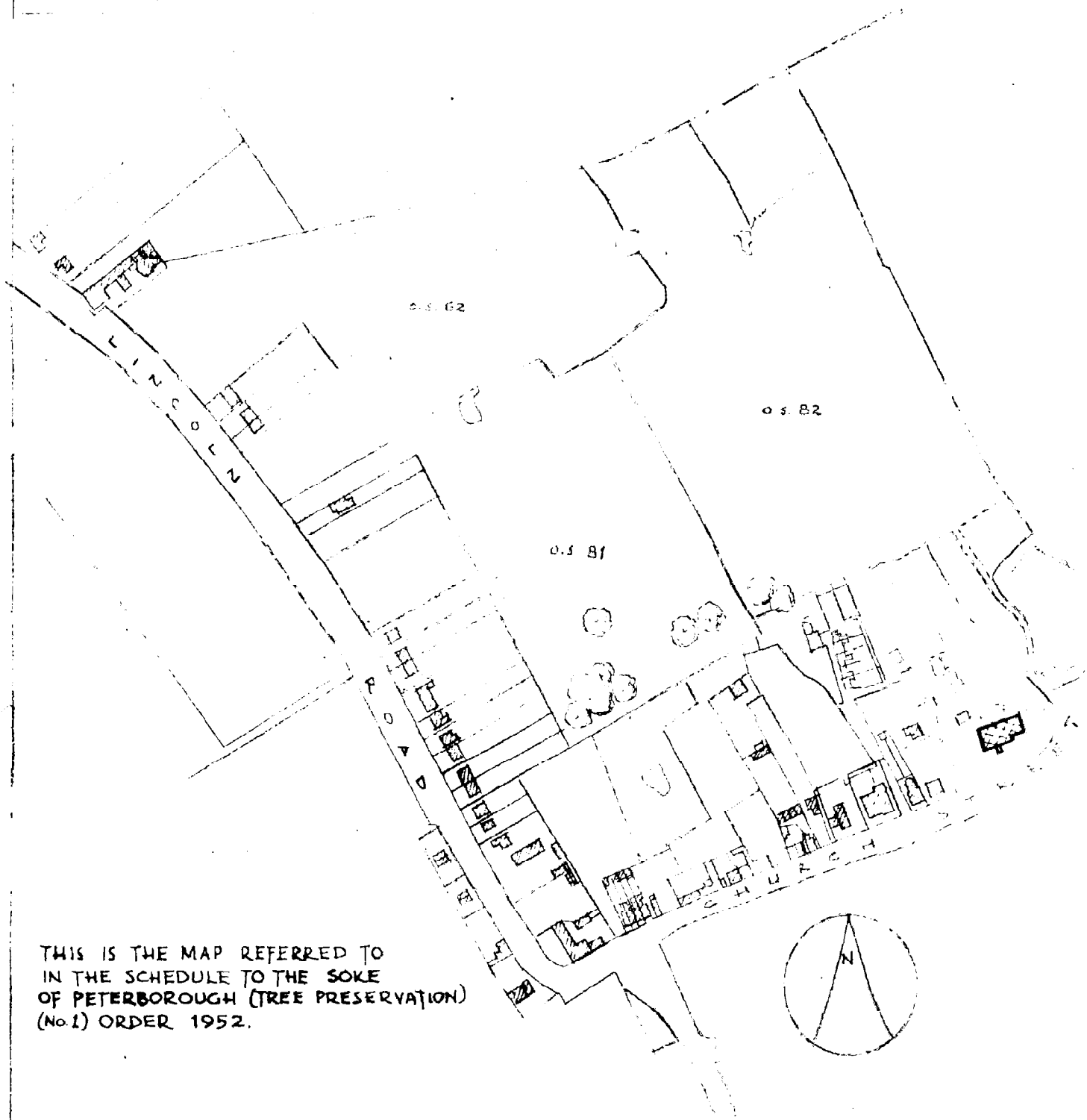
CLERK OF THE COUNTY COUNCIL

NOVEMBER 1952
1280/207

SCALE 1:2500

W.T. JEFFRIES, M.T.P.I., A.R.I.B.A.,
COUNTY PLANNING OFFICER.

SOKE OF PETERBOROUGH (TREE PRESERVATION) (No.1) ORDER 1952



THIS IS THE MAP REFERRED TO
IN THE SCHEDULE TO THE SOKE
OF PETERBOROUGH (TREE PRESERVATION)
(No.1) ORDER 1952.

CLERK OF THE COUNTY COUNCIL

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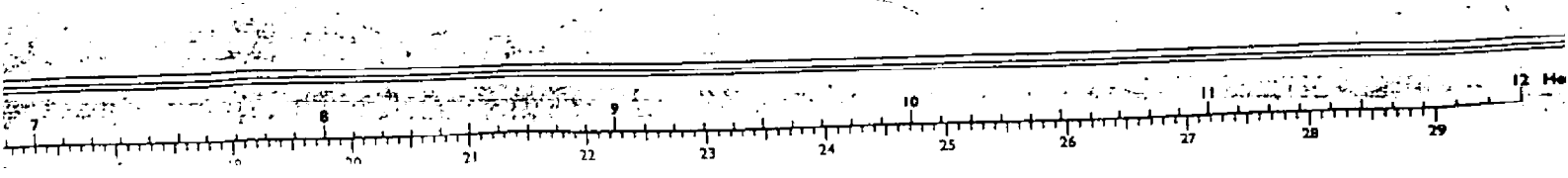
SCALE 1:2500

W.T. JEFFRIES, M.T.P.I., A.M.I.C.E.
COUNTY PLANNING OFFICER

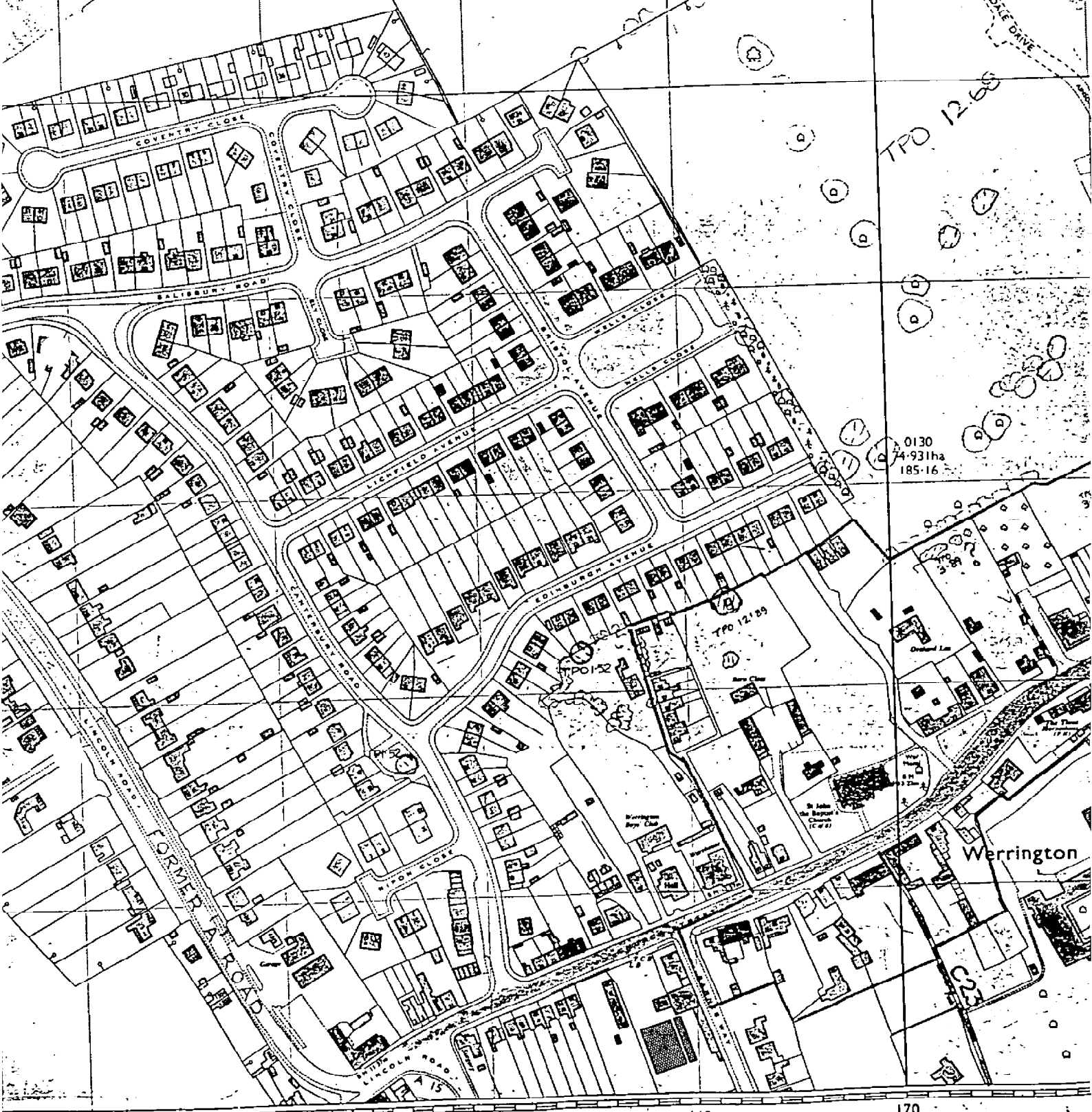
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CONVERSION SCALES
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