

Dated 30th June, 1953.

Town and Country Planning Act, 1947

THE
BOROUGH OF BEBINGTON
TREE PRESERVATION
(No. 9) ORDER 1951.

BOROUGH OF BEBINGTON

TOWN AND COUNTRY PLANNING ACT, 1947

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TREE PRESERVATION (No. 9) ORDER, 1951.

THE MAYOR, ALDERMEN and BURGESSES of the BOROUGH OF BEBINGTON (in this Order called "the authority") acting on behalf of the County Council of the Administrative County of Chester in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, and delegated by the said Council under Section 34 of the Act, and subject to the provisions of Section 13 of the Forestry Act, 1951, hereby make the following Order (which may be cited by the name appearing in the title hereof):

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 persons 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 T.P. ORDER/ 9 signed by the Clerk of the Authority and deposited for inspection at the Municipal Offices, Bebington, 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.

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 is required under the Forestry Act, 1951, application must be made not to " for consent under this Order but to the Forestry Commissioners for a licence" (See Forestry Act, 1951, Section 13(1)).

7. 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.

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 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.

10.(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.

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

12. 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.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map).

<u>No. on Map</u>	<u>Description</u>	<u>Situation.</u>
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N I L.

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation.</u>
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N I L.

GROUPS OF TREES

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation.</u>
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N I L.

WOODLANDS
(coloured green and
within a continuous green line on the map)

<u>No. on Map.</u>	<u>Description.</u>	<u>Situation</u>
W.18	A woodland area divided into four parts by Dibbinsdale Road and Poulton Hall Road and comprised of 20% beech, 20% elm, 20% oak, 20% sycamore, 5% lime, 4% birch, 5% poplar, 2% pine and 4% chestnut.	Within the curtilage of Poulton Hall, Poulton, and continuing in a north easterly direction across Dibbinsdale Road, for a distance of approximately 950 feet and in a westerly direction across Poulton Hall Road, embracing parcels Nod.167c,167b, and 156 on Cheshire Ordnance Sheet XXII.8.
W.19	A woodland area comprised of 20% sycamore, 20% ash, 40% oak, 5% pine, 2% poplar, 8% beech and 5% birch.	Between the main Chester/Birkenhead railway line and Dibbinsdale Road and bounded on its north westerly extremity by the Dibbinsdale Stream.
W.20	A woodland area comprised of 30% oak, 25% sycamore, 10% pine, 10% birch, 10% poplar, 5% alder, and 10% elm.	That area having a frontage of approximately 550 feet to Poulton Hall Road, commencing immediately opposite the junction of Thornton Common Road and continuing in an easterly direction along the northerly side of the Clatter Stream for approximately 1,330 feet.
W.21	A woodland area comprised of 28% pine, 10% elm, 25% oak, 2% larch, 5% spruce, 15% sycamore and 15% birch.	Within the immediate vicinity of Raby Mere and continuing in an easterly direction to Blakely Road and in a south westerly direction towards Raby Hall Road.
W.22	A widely mixed woodland consisting of 15% beech, 10% birch, 30% oak, 10% ash, 10% sycamore, 10% pine and 15% sequoias, cedar, spruce, cypress, willow and alder.	Immediately in the rear of Little Hey Lodge, Dibbinsdale Road and continuing in a southerly direction along the easterly side of the Dibbinsdale Stream to Raby Hall Road and including that small portion of woodland situated on the westerly side of the Dibbinsdale Stream approximately 300 feet in a northerly direction from Raby Hall Rd.
W.23	A widely mixed woodland consisting of 25% oak, 20% ash, 15% sycamore, 10% beech, 5% spruce and 25% Scotch pine, poplar, sequoias, birch, chestnut, alder, willow, cypress, monkey puzzle, thorn, elm and hornbeam.	Commencing on the southerly side of Allport Road, Bromborough, immediately on the easterly side of Bromborough New Bridge and continuing in a south easterly direction following the Dibbin Stream to a point on the westerly side of the main Birkenhead/Chester railway line approximately 600 feet from the northerly side of Eastham Rake.
W.24	A woodland area consisting of 30% oak, 20% ash, 15% birch, 15% sycamore, 10% chestnut and 10% poplar and willow.	On the southerly side of Eastham Rake, Eastham, immediately opposite the Bebington Corporation sewerage works.

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.

THIRD SCHEDULE

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 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.

Reference of
Applications to the
Minister.

(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 applications 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.

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.

Appeals to the
Minister.

Supplementary
provisions as to
revocation and
modification

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 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 purposes 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.

(16th October, 1953).

P.1416.

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.

GIVEN under the official Seal of
the Minister of Housing and
Local Government this sixteenth
day of October, nineteen
hundred and fifty-three.

L.S.

A.V. WILTSFIRE.

Assistant Secretary,
Ministry of Housing and Local
Government.



Borough of Bebington

Municipal Offices

Bebington

Wirral

GERALD CHAPPELL, O.B.E., LL.B.

SOLICITOR

TOWN CLERK

TELEPHONE ROCK FERRY 1440

YOUR REF

OUR REF

O/T3019.

29th October, 1953.

Dear Sir,

Borough of Bebington, Tree Preservation
(No.9) Order, 1951.

The above Order was confirmed by the Minister of Housing and Local Government on the 16th October, 1953, and a copy of the Order and plan is now enclosed for your retention.

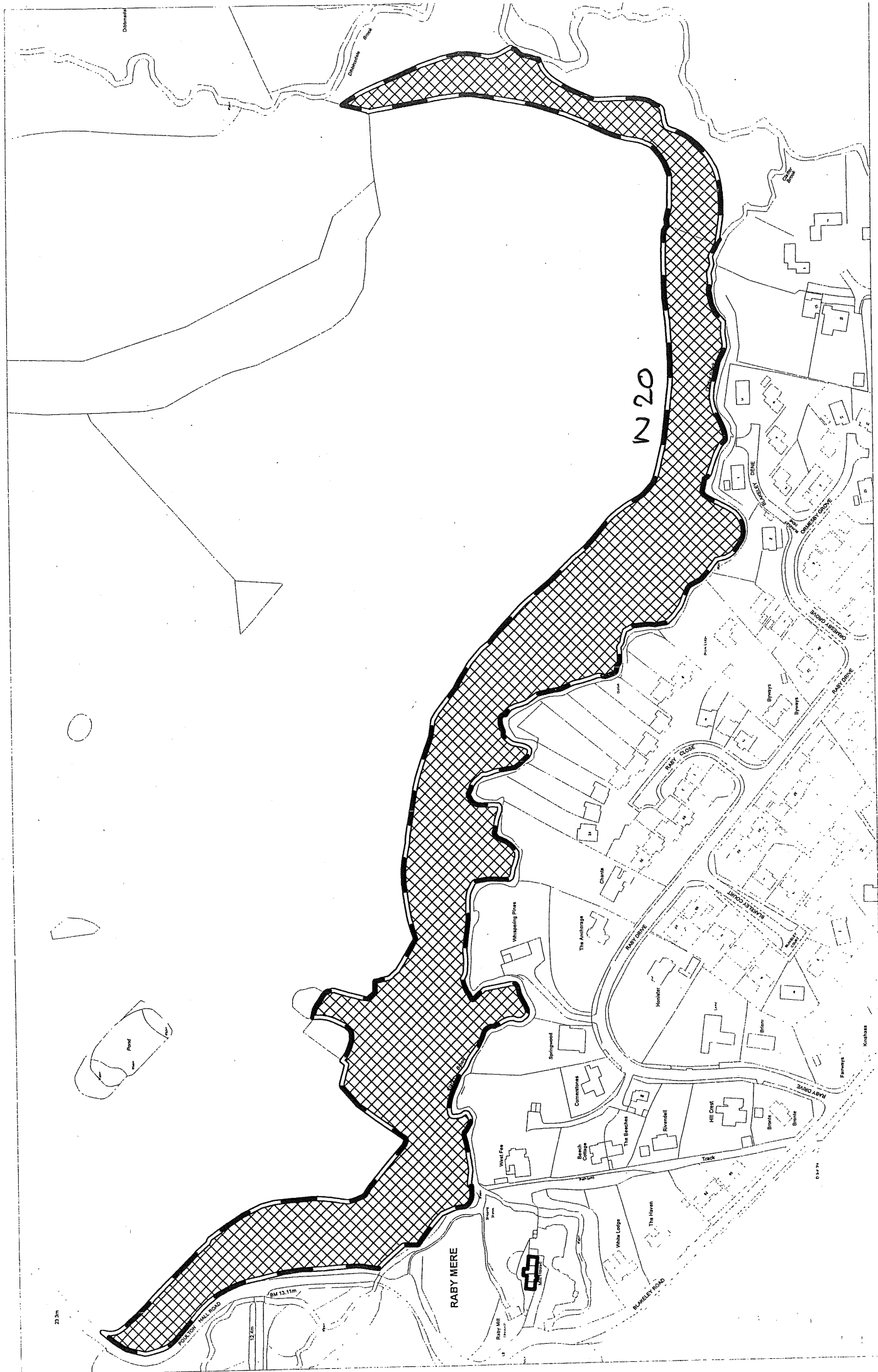
Yours faithfully,

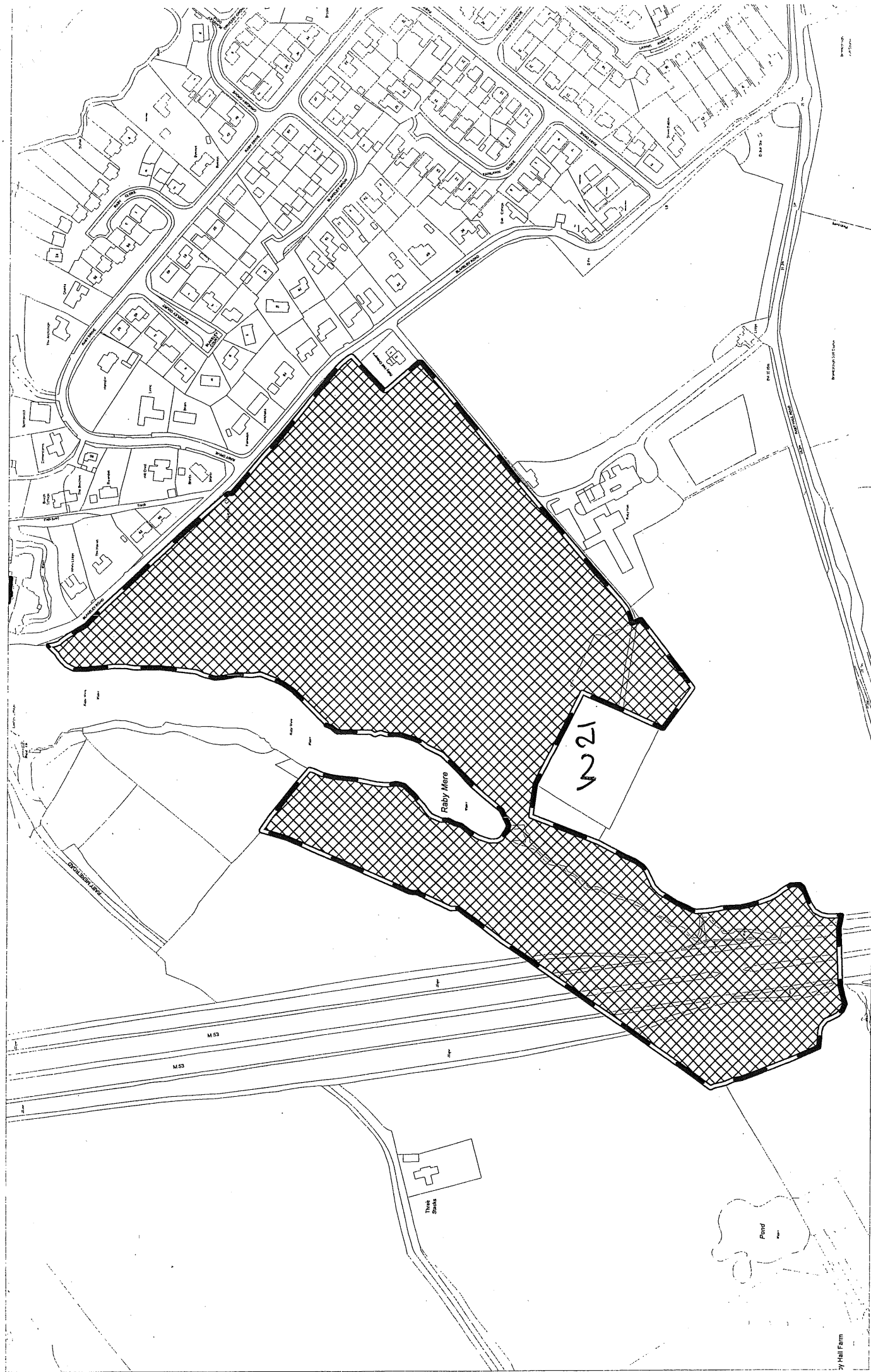
G. Widdowson
TOWN CLERK.

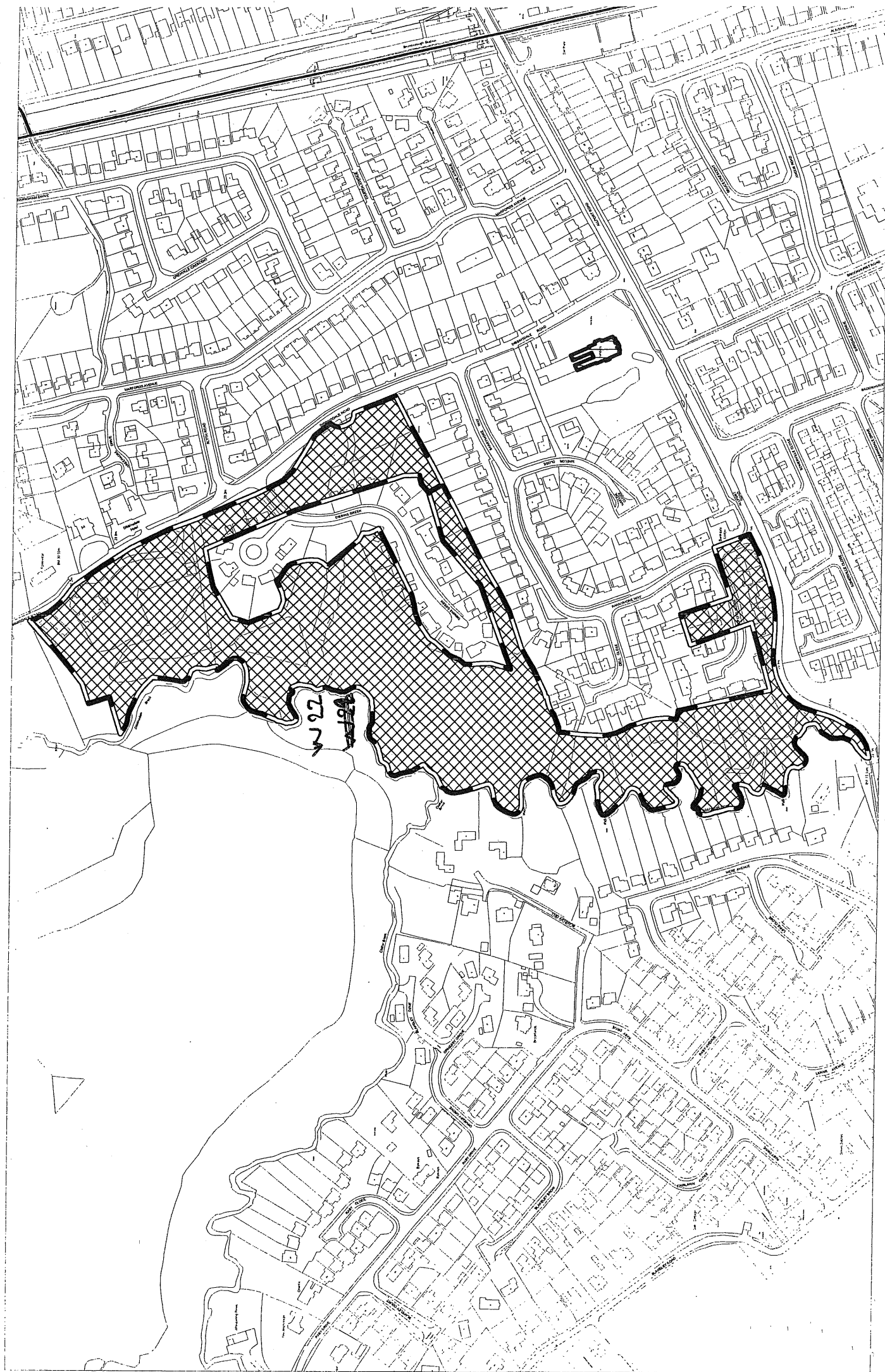
E.W. Widdowson, Esq., A.R.I.C.S.,
Area Planning Officer,
11, Bridge Place,
Lower Bridge Street,
CHESTER.

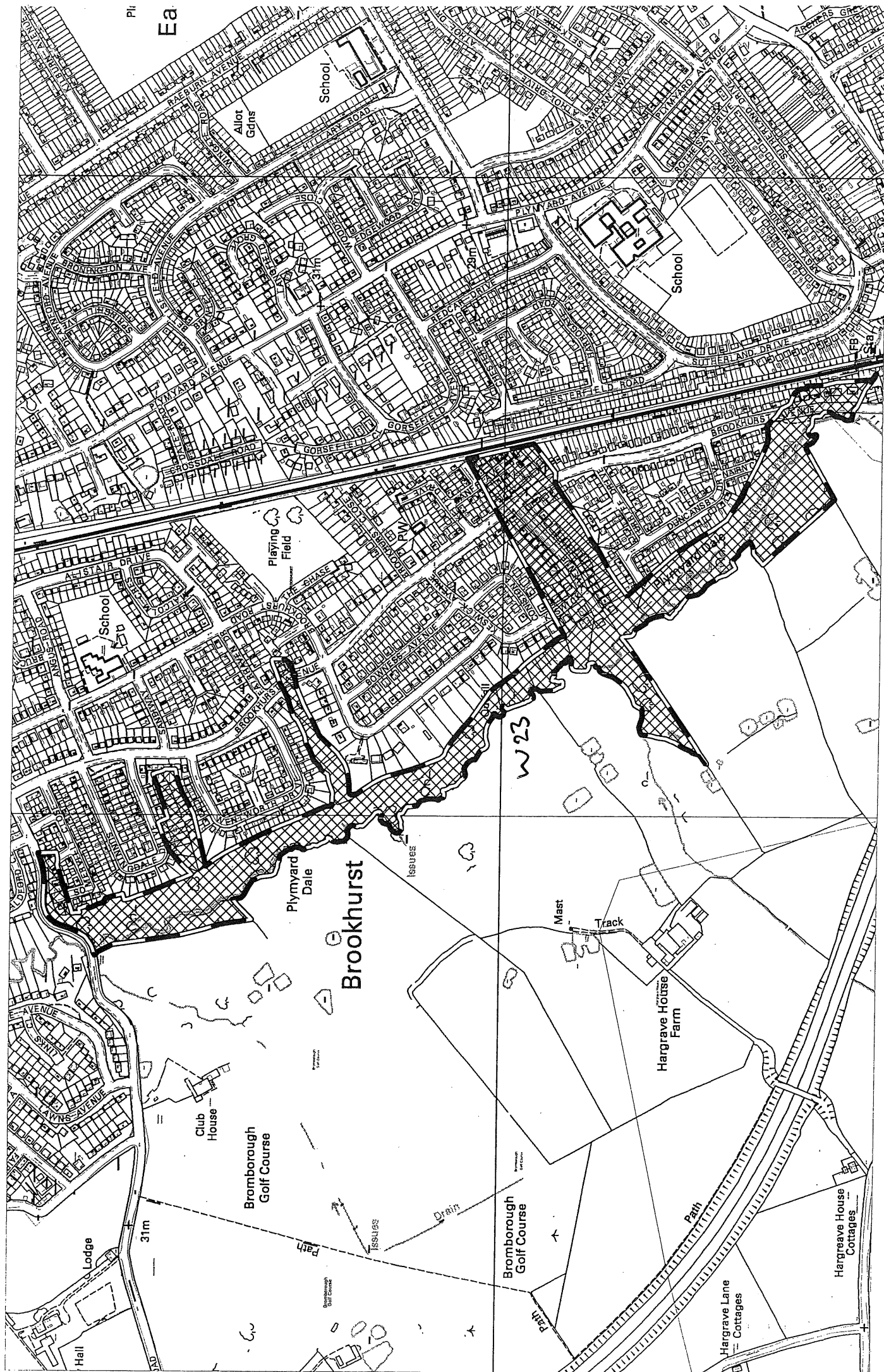
CC
Handwritten notes and signature

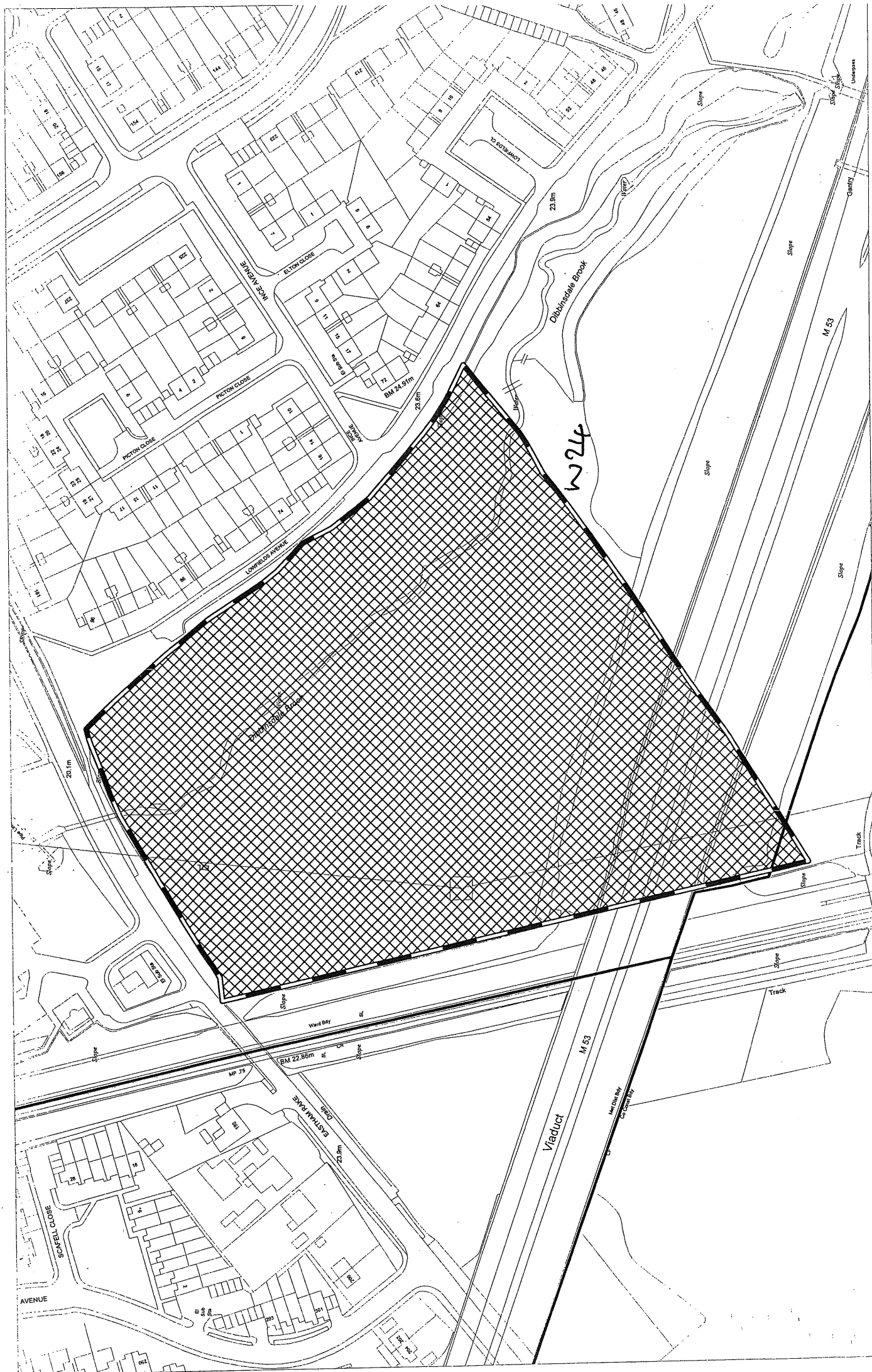


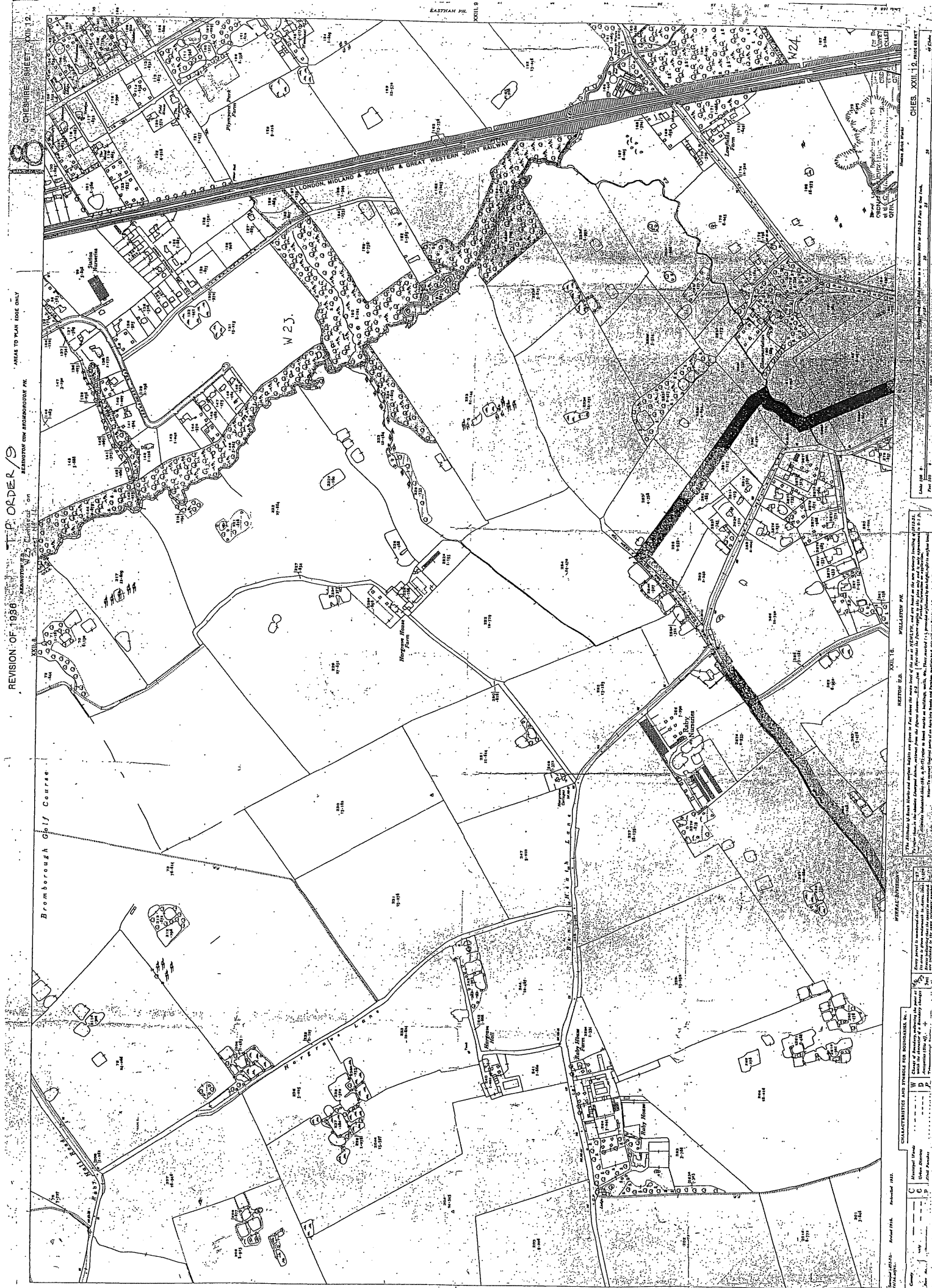












REVISION OF 1938
T.P. ORDER / 9
BROMBOROUGH GOLF COURSE
CHESHIRE SHEET XII. 12
AREAS TO PLAN EDGE ONLY

CHESHIRE SHEET XII. 12
Scale 1 inch = 1 mile
The map is a reproduction of the original map of the area, and is not a survey. It is intended to show the general features of the area, and is not intended to be used for precise measurements. The map is a reproduction of the original map of the area, and is not a survey. It is intended to show the general features of the area, and is not intended to be used for precise measurements. The map is a reproduction of the original map of the area, and is not a survey. It is intended to show the general features of the area, and is not intended to be used for precise measurements.



REVISION OF 1938
GENERAL DIVISION
T.P. ORDER 43
PLAN TO PLAN EDGE ONLY
DRAINAGE SHEET NO. 1

W25 Continued on Sheet N24
XXIII
Scale 1:50,000
Sheet N24

