

TOWN AND COUNTRY PLANNING ACT, 1971

THE WIRRAL U.D.C.

(HESWALL NO. 19)

TREE PRESERVATION ORDER, 1972

THE URBAN DISTRICT COUNCIL OF WIRRAL in pursuance of the powers conferred in that behalf by Section 60 of the Town and Country Planning Act 1971, and delegated to them by the County Council of the County Palatine of Chester (in this Order called "the authority") 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; 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 Secretary of State" means the Secretary of State for the Environment.

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 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 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.

NOTE:—If it is desired to fall 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, 1967, application should 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))



(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.

(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 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 authority or drainage 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 5th August 1972

*Note:* Any person who, in contravention of this Order, cuts down or wilfully destroys a tree, or tops or lops a tree in such a manner as to be likely to destroy it, is guilty of an offence under Section 102(1) of the Act, and liable, on summary conviction, to a fine not exceeding £250, or twice the value of the tree whichever is the greater. A person who contravenes the provisions of the Order otherwise than in the manner mentioned in Sub-Section 1, shall also be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50. In the case of a continuing offence, if the contravention is continued after conviction, a person will be guilty of a further offence and liable, on summary conviction, to an additional fine not exceeding £2 for each day on which the contravention is continued. If a tree other than 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 requirements, to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.



CIVIC AMENITIES ACT 1967

The following provisions of Part II of the Civic Amenities Act 1967 came into force on 27th August, 1967 and have effect in relation to tree preservation orders:-

Replacement of  
trees.

Section 13 - (1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by the provisions of section 29(7) of the Planning Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 14 of this Act and not otherwise.

Default powers  
and appeals.

Section 14 - (1) If it appears to the local planning authority that the provisions of section 13 of this Act, or any conditions of a consent given under a tree preservation order which require the replacement of trees, are not complied with in the case of any tree or trees, that authority may, at any time within four years from the date of the alleged failure to comply with the said provisions or conditions, serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) Subject to the following provisions of this section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on the ground-

- (a) That the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with;
- (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein;
- (c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose;



Planning Act (procedure and powers of Minister on appeal, and appeals to the High Court from decision of Minister) shall apply in relation to any such appeal as they apply in relation to an appeal against an enforcement notice.

(4) In section 48 of the Planning Act (execution by local planning authority of works required by an enforcement notice) and in section 49 of that Act (supplementary provisions as to enforcement notices) and any regulations in force under that section, references to an enforcement notice and an enforcement notice served in respect of development shall include references to a notice under this section; and in relation to such a notice the reference in subsection (1) of the said section 49 to the person by whom the development was carried out shall be construed as a reference to any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

#### Penalties

Section 15 - (1) In relation to an offence of cutting down or wilfully destroying a tree, or of topping or lopping a tree in such a manner as to be likely to destroy it, being an offence committed after the commencement of this Act, section 62(1) of the Planning Act .....shall have effect as if for the words "fifty pounds" there were substituted the words "two hundred and fifty pounds or twice the sum which appears to the court to be the value of the tree, whichever is the greater".



FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY  
(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.1	Sycamore	In the front garden of "The Dell", Dawstone Road.
T.2	Silver Birch	In the rear garden of "Fairfield", Dawstone Road .
T.3	Cypress	In the front garden of "Ainsgarth" and approximate 55ft. from the Dawstone Road boundary.
T.4	Cypress	In the front garden of "Ainsgarth" and approximately 45ft. from the Dawstone Road boundar
T.5	Sycamore	Close to the southern boundary of "Ainsgarth" and approximately 70ft from the Dawstone Road boundary.
T.6	Sycamore	Close to the north west boundary of <sup>Hackfield</sup> "Mesthfield" and approximately 125 ft. from the Dawstone Road boundary.
T.7	Sycamore	In the garden of <sup>Hackfield</sup> "Mesthfield" and approximately 130ft. from the Dawstone Road boundary.
T.8	Sycamore	<del>In the grounds of "Heathcote", close to the drive, and approximately 45ft. from the Dawstone Road boundary.</del>
T.9	Horse chestnut	At the entrance to "Heathcote", Dawstone Road.
T.10	<del>Ash</del> <sup>Norway Maple</sup>	In the grounds of "Heathcote" approximately 30ft. east of the entrance and close to the Dawstone Road boundary.
T.11	Beech	In the grounds of "Trepassey" and approximately 15ft. from the Dawstone Road boundary.
T.12	Beech	In the grounds of and approximately 35ft. south of "Trepassey".
T.13	Beech	In the grounds of and approximately 75ft. south east of "Trepassey".
T.14	Pine	On the east side of Anthony's Way and approximately 70ft. north of Hillside Road.
T.15	Sycamore	In the garden of "Hawkstone" approximately 30ft. from the Hillside Road boundary.



on Map	Description	Situation
T.16	Sycamore	Close to the eastern boundary of Moorland House Boys' Preparatory School and approximately 70ft. south of "Callona", South Drive.
T.17	Silver Birch	In the front garden of "Callona", South Drive.
T.18	Sycamore	In South Drive approximately 70ft. from "Wilbra" in a south westerly direction,
T.19	Sycamore	In South Drive approximately 50ft. from "Wilbra" in a south westerly direction.
T.20	Sycamore	In south Drive approximately 50ft from "Wilbra" in a southerly direction.
T.21	Sycamore	In the garden of "Wilbra" South Drive.
T.22	Sycamore	In the front garden of "Bryher", Hillside Road.
T.23	False Acacia	On the boundary between "Southcot" and "Birkholme", South Drive.
T.24	Sycamore	In South Drive and close to the front boundary of "Inshala".
T.25	Pine	In the front garden of "Ventnor", South Drive.
T.26	Sycamore	Close to the boundary between Murrayfield Girls' Preparatory School and "Edgecote". approximately 120 ft. from South Drive.
T.27	Sycamore	Close to the boundary between Murrayfield Girls' Preparatory School and "Edgecote" approximately 75ft. from North Drive.
T.28	Sycamore	In the grounds of and approximately 75ft. west of Murrayfield Girls' Preparatory School.
T.29	Ash	In the grounds of and approximately 65ft. north west of Murrayfield Girls' Preparatory School.
T.30	Ash Poplar	Approximately 200ft. in a southerly direction from the junction of Telegraph Road and South Drive.
T.31	Ash	At the northern end of Hillside Road approximately 120ft. south west of its junction with Telegraph Road.
T.32	Ash	Approximately 90ft. west of the junction of Telegraph Road and Hillside Road.



on Map	Description	Situation
T.33	Ash	Approximately 90ft. from the junction of Telegraph Road and Hillside Road in a north westerly direction.
T.34	Sycamore	In North Drive approximately 125ft. south west of its junction with Telegraph Road.
T.35	Sycamore	In the front garden of "White Cottage", 2, Beacon Lane, and close to the Beacon Lane boundary.
T.36	Sycamore	In the front garden of "White Cottage", 2, Beacon Lane approximately 20ft. from the Beacon Lane boundary.
T.37	Cedar	In the rear garden of No. 6 Rocky Lane South.
T.38	Cedar	In the front garden of No. 8 Rocky Lane South.
T.39	Sycamore	Close to the southern boundary of "Birch Croft" 24 Beacon Lane and approximately 15ft. north of "Tower Cottage", Beacon Lane.
T.40	Sycamore	Close to Beacon Lane and approximately 50ft. west of "Tower Cottage", 11 Beacon Lane.
T.41	Sycamore	Close to Beacon Lane and approximately 60ft. south west of "Birch Croft", 24 Beacon Lane.
T.42	Sycamore	Close to the boundary of and approximately 30ft. south west of "Birch Croft", 24 Beacon Lane.
T.43	Sycamore	Close to the boundary of and approximately 35ft. west of "Birch Croft", 24, Beacon Lane.
T.44	Silver Birch	In the front garden of "Beacon Lodge", 26, Beacon Lane.
T.45	Pine	In the front garden of "Glen Roy", 21 Beacon Lane.
T.46	Sycamore	On the west side of Beacon Lane and approximately 150ft. south east of its junction with Rocky Lane.
T.47	Sycamore	In the front garden of "Court Hey", Rocky Lane South.
T.48	Silver Birch	In the front garden of "Roydan", 9, Beacon Lane.
T.49	Silver Birch	In the front garden of "Roydan", 9, Beacon Lane.



TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line of the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
A.1	The several trees of whatever species standing in the area numbered A.1 on the map.	To the west of the Beacons.
A.2	The several pine and sycamore trees standing in the area numbered A.2 on the map.	Adjacent to the boundaries of "Heathcote" and "Pinewood", Dawstone Road.
A.3	The several elm, beech and sycamore trees standing in the area numbered A.3 on the map.	Within the grounds of "Trepassey" along the Hillside Road boundary.
A.4	The several pine and sycamore trees standing in the area numbered A.4 on the map.	Within the grounds of and south east of Moorland House Boys' Preparatory School, along Hillside Road and South Drive.

GROUPS OF TREES

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G.1	A group comprising 3 lime, 2 sycamore and 2 horse chestnut trees.	Within the grounds of "Heathcote" along the Dawstone Road boundary.
G.2	A group consisting of 4 pine trees.	On the west side of Anthony's Way.
G.3	A group comprising 5 pine and 4 birch trees.	On the east side of Anthony's Way at its junction with Hillside Road.
G.4	A group comprising 6 pine and 1 sycamore tree.	In the garden of "Hawkstone" near the southern end of South Drive.



<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G.5	A group comprising 9 pine and 1 sycamore tree.	In the grounds of and north of Moorland House Boys' Preparatory School, adjacent to South Drive.
G.6	A group comprising 6 pine and 1 birch tree	In the grounds of and approximately 100ft. north of Moorland House Boys' Preparatory School.
G.7	A group comprising 4 maple, 3 pine and 2 cypress trees.	In the ground of and to the north west of "Beacon Hill", 5 Beacon Lane.
G.8	A group comprising 4 Birch and 1 sycamore tree.	Along the northern boundary of "White Cottage", 2, Beacon Lane.
G.9	A group consisting 3 sycamore trees.	In the front garden of "Pine Lodge" 19, Beacon Lane, close to the Beacon Lane boundary.
G.10	A group comprising 7 pine and 3 sycamore trees.	Near the boundary between "Glen Roy" 21, and "Pine Lodge", 19, Beacon Lane.
G.11	A group consisting 5 sycamore trees.	Close to Beacon Lane and approximately 190ft. south east of its junction with Rocky Lane South.
G.12	A group consisting 3 sycamore trees.	Approximately 50ft. south east of "Birch Croft", 24, Beacon Lane.
G.13	A group comprising 4 beech, 3 pine and 1 elm tree.	In the front gardens of "The Brambles" and "Redstone" Rocky Lane South.
G.14	A group comprising 2 pine and 2 elm trees.	Approximately 50ft. east of "Broomfield", Rocky Lane South.

#### WOODLANDS

NONE



## SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
  - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
  - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme.
- \* (3) the cutting down, topping or lopping of a tree exempted from the provisions of this order by Section 60(6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
- (4) the cutting down, topping or lopping of a tree
  - (a) in pursuance of the power conferred on the Minister of Posts and Telecommunications by virtue of section 5 of the Telegraph (Construction) Act 1908;
  - (b) by or at the request of
    - (i) 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;
    - (ii) 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;
    - (iii) 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 of the functions of such river authority or drainage board in relation to the maintenance improvement or construction of water courses or of drainage works; or
    - (iv) the Secretary of State for Defence (Royal Air Force), the Secretary of State for Trade and Industry where in the opinion of such Secretary of State or Board 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.
  - (c) where immediately required for the purpose of carrying out development authorised by the 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;
  - (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

\* NOTE: Section 62 of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under section 60(6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.



### THIRD SCHEDULE

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

33.—(1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein

Reference of  
applications to  
Secretary of State.

35.—(1) The Secretary of State 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 Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State 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 Secretary of State shall, if either the applicant or the authority so desire, afford to each or them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

Appeals against  
decisions.

36.—(1) Where an application is made 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 Secretary of State.

(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 Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, 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 no, 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.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.



37. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

Appeal in default of decision.

- (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

Secretary of State in accordance with directions given under section 35 above; the provisions of the last preceding 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 end of the said period of two months, or at the end of the said extended period, as the case may be.

45.—(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

Power to revoke or modify the consent under the order.

(2) (Subject to the provisions of Section 46 and 61 of the Act) an order under this section shall not take effect unless it is confirmed by the Secretary of State and the Secretary of State may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard, by a person appointed by the Secretary of State for the purpose.

(4) 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 previously carried out.

46.—(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.



(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45(2) of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

Dated this 1st day of August 1972

THE COMMON SEAL OF THE  
URBAN DISTRICT COUNCIL OF WIRRAL  
was hereunto affixed  
in the presence of:—

(Sgd.) L. J. Sissons

Vice-Chairman of the Council

L.S.

2148

(Sgd.) J. H. Barnes

Clerk of the Council

D.O.E. NO. 16329.

Confirmed by the Secretary of State for the  
Environment, without modifications

April  
14 ~~Aug~~ 1975.

amended in  
the instruction



