

The Norfolk 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 annexed hereto, which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

(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

Provided that any conditions requiring the replacement of any tree by one or more trees on any riparian land shall apply subject always to the requirement 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, under any Land Drainage Bye-laws.

Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

7. 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.

8. 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

9. (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.

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

11. 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.

TREES SPECIFIED INDIVIDUALLY.

(encircled in black on the map)

<u>No. on Map.</u>	<u>Description.</u>	<u>Situation.</u>
	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>
	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>
G.1	32 Horse Chestnuts 8 Sycamore 2 Ash	Within the curtilage of the property known as Lode House in the parish of Upwell along the East side of the bank of the River Nene and on the southern boundary of Lode House, fringing Small Lode. Parcels Nos. 272, 276 and 277. O.S. Norfolk Sheet LXVIII-1 (Edition of 1906)
1	1 Chestnut removed by Electricity Board. (May 1960)	
1	1 Chestnut dead	
3	3 " probably dying	

WOODLANDS

(within a continuous black line on the map)

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

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 3 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 exercising of any functions of the Board in relation to the maintenance, improvement or construction of water courses or of drainage works.

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. ence 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.

person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof of 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 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.

29. (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 the case where the order is confirmed, then, if on a claim made to the authority within the time and in the manner prescribed by article 29 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.

Supplementary provisions as to decision

(2) For the purposes of this Section any expenditure incurred on matters preparatory to action 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.

DATED this Twelfth day of October 1957.

L.S.

(THE COMMON COUNCIL  
OF THE NORFOLK COUNTY COUNCIL  
(was hereto affixed in pursuance of a resolution dated the 5th day of October, 1957, in the presence of:-

(sgd) E. Murray Harvey,

(sgd) A.W. Morfoot.

Two members of the Council.

50-5.

Minister of Housing and Local Government hereby confirms the foregoing Order  
subject to the modifications shown in red ink thereon.

L.S.

Given under the official seal of the  
Minister of Housing and Local Government  
this third day of March nineteen hundred  
and fifty-eight.

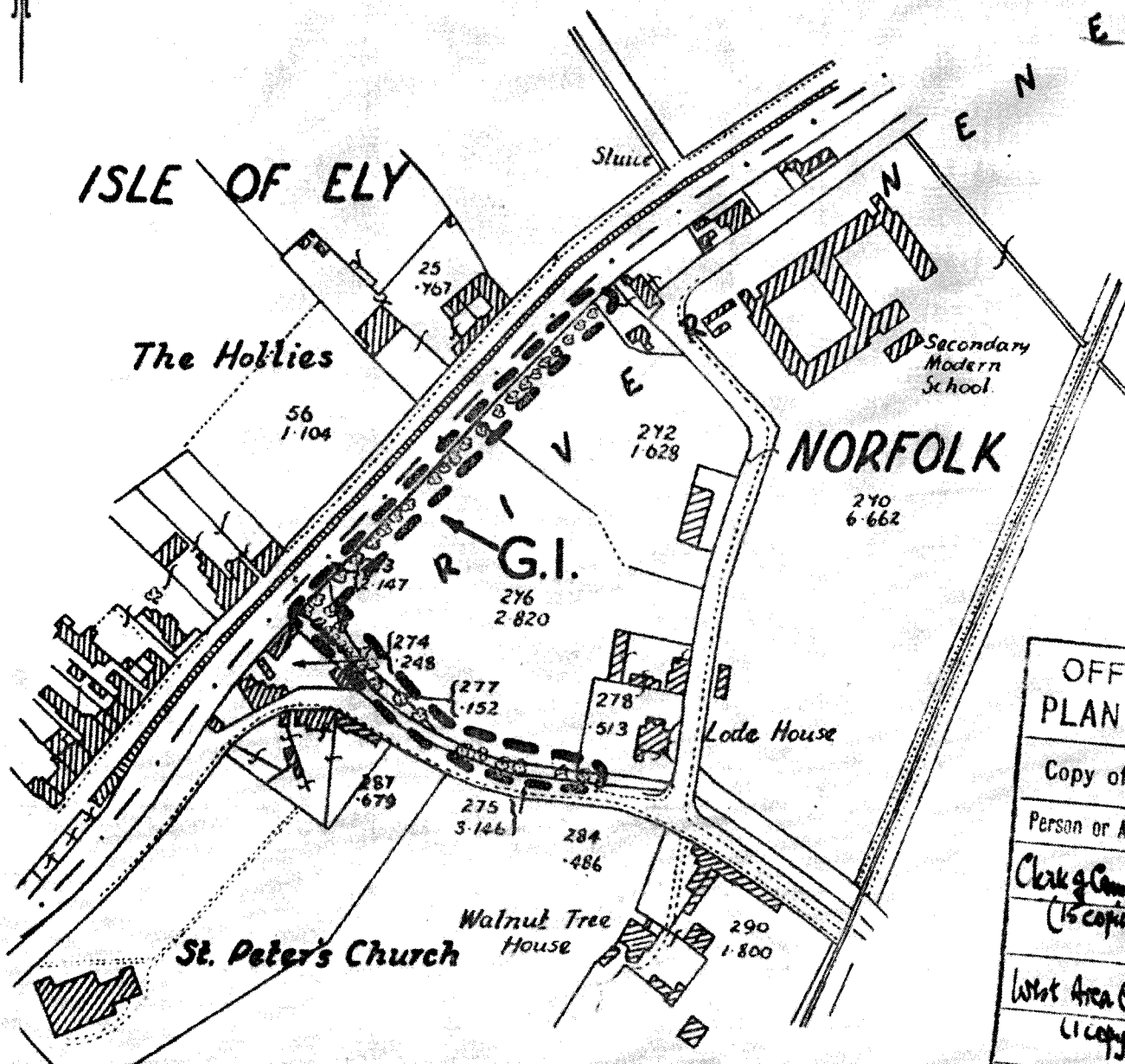
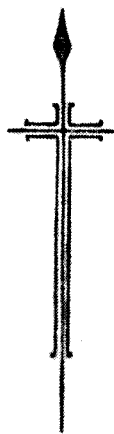
(Sgd). E.H.T. WILTSHIRE

Assistant Secretary,  
Ministry of Housing and Local Government.

# NORFOLK (MARSHLAND RURAL DISTRICT)

## PLANNING PRESERVATION ORDER, 1957, No. 1.

### ISLAND OF UPWELL



OFFICE COPY	
PLAN NO. 100/00	
Copy of plan sent to	
Person or Authority	
Clerk of County Council 20/9/57	
(15 copies)	
West Area Office	
(1 copy)	20/9/57

